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LOCAL NATURE,

PASSED AND PUBLISHED

AT THE TWENTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

HELD AT INDIANAPCLIS ON THE FIRST MONDAY IN DECEMBER, ONE
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CHAPTER I.

An Act to incorporate the South Bend Manufacturing Company.

[APPROVED, DECEMBER 28, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Abram R. Harper, William H. Patterson, Lathrop M. Taylor, and all who may be associated with them as stockholders under the provisions of this act, shall constitute a body corporate and politic, under the name of the South Bend manufacturing company; and by that name shall have perpetual succession, and the capacity to sue and be sued, with power to make and use a common seal, and power to do all acts and things necessary for the furtherance of the objects of this corporation, not contrary to the constitution and laws of this State, or of the United States.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, but may be extended to fifty thousand dollars, in shares of twenty-five dollars each, and it shall be lawful for said company to commence business, so soon as two hundred shares shall have been subscribed.

SEC. 3. Books for the subscription of stock [shall be opened] under the direction of the persons named in the first section of this act, or such other person or persons as they may appoint, at any place which a majority of them may designate, and shall be kept open until the necessary amount is subscribed.

SEC. 4. So soon as two hundred shares shall have been subscribed, the person or persons so opening said books of subscription, shall give at least two weeks notice in some newspaper published in South Bend, of the time and place at which the stockholders shall meet, and hold an election for directors, to direct the business of the corporation.

SEC. 5. Said stockholders, when assembled, shall elect three directors to serve for the term of one year, or until their successors are elected and qualified. No person shall be a director, unless he be a stockholder; said directors when elected, shall choose one of their own number for president, and in case of vacancy in their body, the remaining director or directors shall have power to fill the same out of the stockholders by appointment, until the next election thereafter. Said directors shall also have power to choose a clerk and treasurer, whose tenure of office and liabilities to said company, shall be regulated by said directors. All elections by the stockholders shall be by ballot; each share shall entitle the holder to one vote, and votes may be given in person, or by proxy.

SEC. 6. The directors after their election, shall determine what instalments shall be paid by the stockholders on their stock, and at what time or times, and shall have power to receive said instalments, or so much of them as they may think proper, in materials, labor, or other articles of value, which can be used in carrying on the objects of said corporation; not less than ten days notice of the amount of each instalment, and the time for the payment thereof shall be given by said directors, either personally to each stockholder, or by publication in some newspaper in South Bend; said directors shall not require more than one half of said stock in one year. If any subscriber or shareholder shall fail to pay up his instalment within ten days after notice as aforesaid, said failure shall, *ipso facto*, operate as a forfeiture of said stock, and the amount paid by him to the company. Said directors, however, shall have power to remit said forfeiture in writing under all their hands within sixty days thereafter, upon the payment of the instalment, and such penalty in addition, as they shall impose.

SEC. 7. Said company is authorized to erect a dam across the St. Joseph river, at or near the head of the rapids, at or near the town of South Bend, or such other convenient place at or near said town, as they may think proper, said dam not to exceed six feet in perpendicular height above the surface of the water: *Provided*, that they erect a substantial and convenient lock sufficient to admit the safe passage of all boats and other water craft usually navigating said stream; and, *provided*, also, that they keep said lock in good repair for the passage of boats, and have a sufficient number of hands constantly to attend the same.

SEC. 8. The said company shall have power to purchase and hold in fee simple, any quantity of land on each side of said river near said town, not exceeding in all two hundred acres; and also power to construct mills or machinery of any description whatever, for the purpose of manufacturing any and all things they may think proper; also, to sell or convey any water power which they may own, as well as any other property which may belong to them, to any other company or individual; and generally to do any and all other acts and things not inconsistent with the laws and constitution of this State, or of the United States, which may be necessary or proper, in order completely to carry into effect any of the powers granted by this charter.

SEC. 9. After the said company shall have constructed a lock according to the provisions of the 7th section of this act, and while they shall keep said lock in good repair, and furnish a sufficient number of hands to attend the same, neither the members of said company, nor any person in their employment, shall be liable to penalties of the 42d section of an act, relative to crime and punishment, approved February 10th, 1831, nor to indictment or prosecution under the same, for, or by reason of, the erection or continuance of said dam or lock, or any part of them, or either of them, nor shall any ac-

tion on the case be commenced in any court of this State, by any person or persons, against the said company, or any member thereof, or any person in the employment of said company, to recover any damages alleged to have been sustained, by reason of the erection or continuance of said dam or lock, or any part of them, while the said company shall continue to keep said lock in repair, and furnish a competent supply of hands to attend the same, according to the provisions of this act: *Provided*, also, that if at any time said lock shall be out of repair, from any cause without the control of said company, and without fault on their parts, the said company shall have a reasonable time to repair, and during all the time that is necessarily occupied in such repairs, the privileges of this section shall extend to them.

SEC. 10. After the payment, by any stockholder, of the first instalment required by the directors and not before, certificates of stock shall issue, signed by the president, which shall be evidence of the stock so held; the stock shall be transferable on the books of the corporation only.

SEC. 11. The individual and private property, both real and personal, of each stockholder, shall be subject and liable to execution, for all contracts, debts and liabilities, made or entered into, by said corporation, at any time during which any and every such person or persons, may have held stock in said corporation, in that proportion which the amount of stock he may hold, or may have held, shall be to the amount of any such liability.

SEC. 12. This act to be in force from and after its passage and publication in the South Bend Free Press, at the expense of said company; and it is made the duty of the Secretary of State, to immediately transmit a certified copy thereof, to the publishers of that paper.

SEC. 13. This charter shall be subject to repeal, or amendment, at the pleasure of the Legislature.

CHAPTER II.

An Act to amend an act entitled an act to amend an act, entitled an act to incorporate the Liverpool Bridge Company.

[APPROVED, JANUARY 21, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Liverpool bridge company, so to repair the present bridge of said company, across Deep river, in the county of Lake, and State of Indiana, as to render the same safe and convenient; or, if said company may deem the same more expedient, they are hereby authorized to build a new bridge, at, or near the place where the present bridge crosses said river, and when such new bridge is completed, to remove the present one; and in case a new bridge shall be built by said company, as aforesaid, then, and in that case, the charter of said company shall be, and the same hereby is, extended for the term of five years beyond the time limited by the act to which this is an amendment.

SEC. 2. That it shall not be lawful for any person or persons, body corporate or politic, to erect, build, or establish any bridge or ferry, across said

river, within a less distance than three miles, in a direct line from the bridge of said company.

SEC. 3. That in addition to the toll now authorized to be charged by said company, they shall be entitled to charge and receive for every wagon, cart, carriage, or sleigh, drawn by four oxen, the sum of thirty-one cents, and for every such vehicle, drawn by two oxen, twenty-five cents: *Provided*, that no toll shall ever be charged or collected of, or from, the inhabitants of the counties of Porter, or Lake, but they shall at all times be suffered to pass over said bridge, free of charge.

SEC. 4. That the second section of the act to which this is an amendment, and all other laws inconsistent with the provisions of this act, be, and the same are hereby repealed. This act to take effect and be in force from and after its passage, and may be amended, revised, or repealed, at any time, by any subsequent Legislature, by a vote of two thirds of the same.

CHAPTER III.

An Act supplemental to an act, entitled "an act to incorporate the South Bend Manufacturing Company," approved, December 28, 1842.

[APPROVED, JANUARY 23, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the private property of the stockholders in said company, shall not be liable to execution, for any of its indebtedness, at any time, until the property of said company shall be first exhausted.

SEC. 2. This act to be in force from and after its passage, and publication in the South Bend "Free Press," at the cost of the company; and it is made the duty of the Secretary of State, to forward a copy hereof to the publishers of that paper.

CHAPTER IV.

An Act to incorporate the first Presbyterian Church, of Fort Wayne.

[APPROVED, JANUARY 25, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Hanna, Allen Hamilton, John E. Hill, John Cochrane and Charles E. Sturgiss, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of the "Trustees of the first Presbyterian Church of Fort Wayne," and by said

corporate name may sue and be sued, plead and be impleaded in any court of this State, and by that name have perpetual succession; and they shall in law, in said corporate name, be capable of purchasing and holding, bargaining and selling any property, either real or personal, for the use of said church, whether by legal or equitable title, not to exceed in value, twenty thousand dollars.

SEC. 2. They shall further be empowered to receive all, and singular, any subscriptions, gifts, grants, donations and bequests, designed for the benefit of said church, which shall be held and solely applied to the use and benefit of said church, in the manner which said trustees shall deem most judicious and expedient.

SEC. 3. It shall be lawful for such trustees to hold meetings at such places, and at such times, and as often as it may suit them, or as their business may require it; to sit on adjournments, on the call of the proper officer, or one of their body; and to elect, or appoint such officers, and establish such rules or by-laws, for their government, as they, or a majority of them may see fit: *Provided, however*, that such rules or by-laws, shall not be incompatible with the constitution or laws of this State, or of the United States.

SEC. 4. It shall be lawful for the contributing members of said church and congregation, to perpetuate this board of trustees, by annual appointment, or in any way they may think proper, and also, to fill vacancies which may in any way occur; and the trustees at any time chosen, shall hold their office for one year, and until their successors are appointed; they shall also keep a record of their proceedings, which shall be open to the inspection of all persons concerned.

SEC. 5. The acts and doings of the former trustees of said Presbyterian church, are hereby declared valid in law, to all intents and purposes, in the same manner as they would have been, had they fully complied with the statute in such cases made and provided; and all property now held by said church, either by legal or equitable title, or designed for the benefit thereof, whether acquired by purchase, subscription, gift, bequest, or donation, is hereby vested in the board of trustees herein created, and their successors, for the benefit of said church, the same as though said property had been acquired under the provisions of this act.

SEC. 6. This (act) to take effect from and after its passage, and shall be subject to amendment or repeal, by the Legislature at any time.

CHAPTER V.

An Act providing for the incorporation of the town of Leavenworth in the county of Crawford.

APPROVED, JANUARY 28, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the clerk of Crawford county is hereby authorized, and it is hereby made his duty, so soon as a certified copy of this act is filed in his office, forthwith to order an election to be held at the usual place of holding elections in the

town of Leavenworth, on some day within fifteen days from that time, for the purpose of electing five trustees of said incorporation, of which said clerk shall cause ten days notice to be given, by written advertisements, to be put up in three of the most public places in said town.

SEC. 2. At the meeting of the qualified voters for the election of trustees, they shall first proceed to elect a president and clerk of said meeting, who, after being qualified, shall without delay, lay off said incorporation into five districts, and forthwith present the same to said voters, who shall proceed to elect by a vote of the whole town, one trustee in each of said districts, who shall serve one year, and until their successors are elected and qualified.

SEC. 3. An election for trustees, as aforesaid, shall be held annually, after the first election on the first Monday of May; and at every such election, the preceding board of trustees shall direct the manner in which the same shall be conducted.

SEC. 4. Vacancies made by death, resignation, or otherwise, shall be supplied by election in the manner hereinbefore directed, by the qualified electors, on a day to be appointed by the remaining trustees; and the returns shall be made in such manner as shall be directed by the trustees.

SEC. 5. It shall be the duty of the trustees first elected under this act, before they proceed to make any by-laws or regulations, by virtue of their election to office, to deposit in the clerk's office of Crawford county, the certificate of the president and clerk, of the election of the first board of trustees, together with their names; and no act or ordinance of any such first board of trustees, shall be valid, or of any force, unless the provisions of this act shall have been complied with.

SEC. 6. It shall be the duty of the clerk of the aforesaid county, to make a record of such certificate as may be lodged in his office by the board of trustees, agreeably to the provisions of this act, within three months after the same shall have been so deposited therein, for which services he shall be allowed the same fee, to be paid by the trustees as he is allowed for similar services.

SEC. 7. The board of trustees of said town, elected agreeably to the provisions of this act, shall choose a president out of their own body, and the president and trustees aforesaid, duly elected agreeably to the provisions of this act, and their successors in office, shall thenceforth be considered in law and equity, a body corporate and politic, to have continuance forever by the name and style of the "president and trustees of the town of Leavenworth;" and by such corporate name and style, shall be forever able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatsoever kind or nature they may be, in as full and effectual a manner as any person or persons, bodies corporate and politic, may or can do.

SEC. 8. Whenever said town of Leavenworth shall be incorporated agreeably to this act, the president and board of trustees, or a majority of them, shall have full power, from time to time, and at all times, to make, ordain, establish and execute, such by-laws and ordinances, in writing, not inconsistent with the laws and constitution of this state, as they shall deem necessary for the good government of said corporation; and to prevent and remove nuisances, to restrain and prohibit gambling, or other disorderly conduct, to provide for licensing, regulating or restraining theatrical and other public shows and amusements within the corporation, to regulate and establish markets, to sink and keep in repair public wells, and shall have the sole and exclusive

power and authority to keep in repair all necessary streets, alleys, and drains, and to pass regulations necessary for the same, agreeably to the plan of said town.

SEC. 9. The president and board of trustees, or a majority of them, shall have full power to assess and collect annually, taxes on all real property not exceeding two dollars on every hundred dollars of assessment valuation thereof; also, a poll tax on every actual citizen qualified to vote, not exceeding two dollars each; also, a reasonable tax on all other property which they may think proper subjects of taxation; also, full power to appoint a lister, a treasurer, a clerk, and such other officers as they find necessary, and shall allow them what they deem reasonable, for their services; who, when appointed, shall be governed by such rules and regulations, as shall be prescribed by said president and board of trustees; and the person or persons appointed to collect any tax imposed, by virtue of any of the powers granted by this act, shall have authority to collect the same, by distress and sale of the goods and chattels of the person chargeable with same tax, on giving ten days previous notice of the time and place of such sale; and if no goods and chattels, of the person chargeable with said tax, can be found, it shall be lawful to seize and sell any lot or lots, or part or parts thereof, or so much as will pay and satisfy such taxes due and in arrear, and all costs accruing on such sales, paying to the owner or owners the overplus, if any; and such collector in making such collections and sales, shall have the same powers and shall be governed by the same rules and regulations, as collectors of State and county taxes; and shall, in like manner, make conveyances and certificates to the purchasers at such sale: it shall also be his duty to make a return of all sales of lots by him made to the clerk of the circuit court, (or auditor, as the law may require,) in the same manner as collectors of State and county revenue are required to do: but in no case shall real estate, the property of *minors or femes covert*, be sold for a corporation tax by virtue of this act.

And any real estate sold by virtue of this act, shall be redeemable at any time within two years, by the payment of the full amount for which the same may have been sold, with twenty-five per centum thereon; and, also, the amount of all taxes or charges subsequently accrued thereon, with legal interest on the same; and if the purchaser cannot be found conveniently, the same shall be redeemed by payment made into the corporation treasury, for the benefit of the purchaser.

SEC. 10. A majority of the members of said board of trustees shall be a quorum to transact business, but a less number may make adjournments, and shall have the power to compel the attendance of absent members by imposing such fine on delinquents, as will insure their attendance; and the said board of trustees shall be the judges of the election of their own members and officers, and two thirds of the members concurring, may expel any officer or member, for mal-conduct, or highly disorderly behaviour.

SEC. 11. When in the opinion of the board of trustees of said town, it would be a benefit to said town, to increase the number of trustees thereof, they may order seven or nine to be elected at their next annual election, and at every succeeding annual election thereafter.

SEC. 12. The said president and board of trustees, shall have full power and authority to enforce their by-laws and ordinances in all cases whatever; but no fine, penalty, or forfeiture, shall be inflicted on any one person, for a breach of any one of their by-laws or ordinances, for more than three dollars, for every time he or she shall so offend; which penalties and forfeit-

ures may be recovered before any justice of the peace in the county, by action of debt according to law.

SEC. 13. No by-law or ordinance shall be in force until it shall have been published in at least three of the most public places in said town, by putting up copies of the same for ten days, and also published in some public newspaper, if any there be published in said town.

SEC. 14. All moneys arising from fines, taxes, penalties, and forfeitures, shall be appropriated by said president and board of trustees, towards the erecting, improving and regulating, those objects which by this act are placed under their control and jurisdiction, as likewise for defraying all such expenses as may accrue, or necessarily arise out of the exercise of powers granted to them by this act; also, said president and board of trustees, upon the petition of two thirds of the resident free holders of said incorporation, are hereby authorized and empowered to make any donations for the erecting of any public buildings, or for the aiding and assisting in the erecting of any public building or buildings which will be for the accommodation of the public, or tend in any way to benefit or enhance the value of property in said town: That the bounds of the corporation of said town shall extend to the limits of the town plat, as it now is, or hereafter may be entered on record in the recorder's office of Crawford county, and to all that territory which lies between front street and the Ohio river at low water mark; and when any new building lots shall be laid off, adjoining said town, and the plat thereof recorded, the same shall form a part of said corporation, entitled to the same privileges, and subject to the same rules and regulations, as the organized corporation; and for the purpose of removing nuisances, the limits of the corporation shall extend one half mile in each direction, from the recorded plat of said town.

SEC. 15. It shall be lawful for the president and board of trustees, of said incorporation, to have power to regulate the banks, shores and wharves in front of said town, and the same shall be deemed a part of the corporation, and within the jurisdiction of the trustees thereof: *Provided*, the owner or owners thereof, shall consent thereto: *Provided, however*, that this act shall not give power to said corporation, to alter, vacate, or in any manner affect any ferries, heretofore established by law, or which hereafter may be established.

SEC. 16. The corporation of said town shall have power to erect a prison within its limits; and it shall be lawful to imprison therein persons convicted of offences against the laws of said corporation, or of offences against the penal laws of this State; and, also, persons charged with offences punishable by indictment or presentment, temporarily; until they can be conveniently removed to the county jail; and the laws relating to county jails, so far as the same may be applicable, shall be the laws of the town prison aforesaid: and it may be lawful to use the county jail for town purposes, until a town prison shall be erected: *Provided*, that nothing in this section shall be so construed as in any manner to violate the law abolishing imprisonment for debt.

SEC. 17. That any person convicted of petty offences as aforesaid, and fined therefor, within said corporate town, if they have no goods and chattels out of which the same can be made, may commute the same by labor on the public streets of said town, at the rate of fifty cents per day, until the fine assessed be discharged; and if any such prisoner, after undertaking to commute as aforesaid, shall escape without performing the same, he may be fined for such offence, not exceeding the amount of the original fine, for which he may have undertaken, as aforesaid.

SEC. 18. That it shall be lawful for the president and board of trustees of said town, to establish fire companies in said town, and give such companies such power and authority, and to govern and regulate them by such by-laws and regulations as may be necessary; and they shall also have authority to appropriate any of the funds to purchase and procure fire engines, hooks and ladders, buckets, and all other things necessary for the extinguishment of fires in said town, and to pass and enforce all such by-laws and regulations, as may be necessary to prevent the occurrence of fires in said town.

SEC. 19. It shall not be lawful for any person or persons, within the bounds of said corporation, to retail by less quantity than one quart, any spirituous liquors, foreign or domestic, or to keep what is commonly called a tipling house, unless such person or persons shall, in addition to a license obtained from the board doing county business, obtain a license from the constituted authorities of said town, who are hereby authorized to grant the same, for any term not exceeding twelve months at one time, on the applicant paying into the treasury of the corporation, a sum at the discretion of the corporation authorities, not less than twenty-five dollars. And any person or persons retailing, contrary to this provision, shall be punished in like manner as retailing without license or permit from the county. And the funds arising from such license, shall be a permanent fund for the support of common schools in said town, under the direction of the constituted authorities of the same.

SEC. 20. Nothing in this act shall be so construed as to prevent any General Assembly, from hereafter dissolving this corporation, or from making any amendments thereto, that may be deemed expedient.

SEC. 21. All acts and parts of acts heretofore passed, incorporating the town of Leavenworth, be, and the same are hereby repealed.

SEC. 22. That all the official acts and proceedings of the justices of the peace heretofore elected and qualified under the former incorporation of the said town of Leavenworth, be, and the same are hereby legalized and ratified, so far as any error may have occurred in the election of said justices of the peace, and that as full faith and credit shall be given to all their official proceedings, as if the said justices of peace had been duly elected by the qualified voters of the township in which said incorporation was situate; and this act may be plead in bar to any proceedings hereafter had, in which the constitutionality or illegality of said election of said justices of the peace, may be brought in question.

SEC. 23. This act shall take effect and be in force, so soon as a certified copy shall be filed in the clerk's office of Crawford county, and it is hereby made the duty of the Secretary of State, forthwith, after the passage of this act, to transmit a certified copy of this act to the clerk of the circuit court of Crawford county.

CHAPTER VI.

An Act to incorporate the Wabash Bridge Company.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders, pursuant to the provisions of this act, be, and they are hereby constituted and declared a body politic and corporate, by the name of the Wabash Bridge Company, and by such name shall be capable of holding real estate sufficient for realizing to said company the object of this act, and to sue and be sued, implead and be impleaded, and answer and be answered unto, in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the constitution and laws of this State or of the United States, as shall, from time to time, be found necessary to promote the interest, or ensure the good government of said corporation.

SEC. 2. The capital stock of said corporation shall be fifteen thousand dollars, divided into shares of twenty dollars each.

SEC. 3. That William Grant, William O. Ross, R. D. Helm, Hugh Hanna, H. A. Bodman, B. E. Davis, James B. Matlock, James W. Massey and Joseph Beckner, of the county of Wabash, be, and they are hereby appointed commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first Monday in April, A. D. 1843, and each of said commissioners may receive subscriptions.

SEC. 4. As soon as sixty shares of stock shall have been subscribed, the said commissioners shall, by manuscript advertisements, to be posted up in the most public places of the county of Wabash, cause notice to be given of the time and place of meeting of the stockholders to choose directors; and at the time and place of meeting so appointed, the stockholders shall choose seven directors, being stockholders of said corporation, who shall serve one year and until their successors are chosen and qualified into office, a majority of whom shall constitute a quorum for the transaction of business; and an annual election for directors shall be held at such time and place as the stockholders, at their first meeting, shall appoint; and the directors thus chosen shall, as soon thereafter as practicable, choose one of their own body as president, and one also as secretary, and such other officers as may be necessary: *Provided*, that should the stockholders neglect or fail, at any annual election, to elect directors, the corporation, on that account, shall not be dissolved, but the president and directors for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders res-

pectively, all such sums of money by them subscribed, at such times and in such proportions, as they may think proper; not, however, exceeding more than one half the amount of such subscriptions, within the six months ensuing the election of such directors, by three manuscript advertisements, to be posted up at the most public places in the county of Wabash, thirty days prior to the commencement of the suit hereinafter authorized to be instituted, or by giving written notice to the stockholders, stating the amount upon each share demanded, and the time and place of payment. And if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon, from such delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the State, the corporation may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6 The said corporation may erect and maintain a bridge across the Wabash river, within fifty yards, either above or below the point where the Wabash and Marion state road now crosses said river, which is left to the discretion of said directors. And said corporation shall have, and may use, the writ of *ad quod damnum* and all the benefit arising from the law allowing said writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll-house and necessary causeways.

SEC. 7. Whenever the said bridge shall be completed the said corporation may erect a gate at either end of the bridge, and demand and receive the following rates [of toll]: Every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox attached to the carriage, six and one fourth cents; every two wheeled pleasure carriage, twenty-five cents; for every wagon or cart, sleigh, sled or cutter, drawn by one horse, twelve and one half cents; for every cart, sleigh or sled, drawn by two horses or oxen, eighteen and three fourth cents; for each man and horse, twelve and one half cents; for each horse or mule, three cents; for each head of neat cattle, two cents; for every sheep or hog, one cent; for each foot passenger, six and one fourth cents; and in analogous proportions of the foregoing rates for any other animals or carriages: But all persons going to, or returning from, places of religious worship; going to, or returning from, muster; when doing militia duty; going to funerals; messengers of the State or Federal Government; and persons carrying the United States' mail, shall be exempt from toll.

SEC. 8. The said bridge shall be built not less than twenty-two feet wide, and shall be well secured by a railing on each side not less than four feet high, and the spans of the same shall be elevated

a sufficient height above high water stage, to admit the passage of loaded boats under it.

SEC. 9. If any person shall wilfully impair or injure said bridge, he, she, or they so offending, shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit to be recovered on conviction thereof before any court of competent jurisdiction.

SEC. 10. If any person shall forcibly pass the gate, without having paid the legal toll, he shall forfeit and pay to the said corporation eight times the amount of legal toll, to be recovered with costs of suit, in an action of debt, before a justice of the peace of the county of Wabash.

SEC. 11. If any toll-gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs, before a justice of the peace, to the use of the person so unreasonably delayed, hindered or defrauded.

SEC. 12. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally, or by agent or attorney, duly authorized for that purpose; but such stock shall, at all times, be held by the corporation for any debts due from the holder thereof to the corporation.

SEC. 13. At the time of receiving subscriptions for stock, it shall be the duty of the commissioners to receive subscriptions for full, whole and part shares, but such part or fractional shares shall, in no case, be received for less than one fourth of one share of stock. And in all voting of said corporation, of business or election, the right of persons possessed of part or fractional shares shall be equal to, and co-extensive with, those of persons possessed of one full share of stock.

SEC. 14. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 15. The president and directors shall fill all vacancies that may happen in their own body; they may sit on their own adjournments, or on the call of the president, and when the president is absent, the directors may appoint a president *pro tem*.

SEC. 16. The capital stock of said corporation may be increased to any amount not exceeding fifteen thousand dollars by a vote of the stockholders at their annual, or at any special, meeting of the stockholders, called for that purpose by the president.

SEC. 17. In all elections for directors, each stockholder shall be entitled to vote in person or by proxy, under such regulations as may be prescribed by the stockholders according to the following scale, to-wit: For each share not exceeding five shares, one vote;

for every two shares above five and under fifteen, one vote; and for every three shares above fifteen, one vote.

SEC. 18. Yearly dividends of so much of the profits as the corporation may deem expedient, shall be declared on the day of the annual elections of the directors, unless the directors fix a different day, and paid to the several stockholders as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount than the nett profits after deducting all expenses.

SEC. 19. If said bridge shall not be constructed within five years from the passage of this act, then and in that case, this act to be null and void, otherwise, to be in full force and virtue, for the term of fifty years.

SEC. 20. The several corporators and their property shall be liable for the debts of the corporation, in the same manner and to the same extent as individual partners are liable for the debts of an individual, unincorporated partnership.

SEC. 21. This act to take effect and be in force from and after its passage.

CHAPTER VII.

An Act to incorporate the Vevay Band of Musicians.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Patton, John K. Brooks, Isaac Stevens, Selden Golay, William W. Morrow, Franklin Dufour, John Lewis Thieband, Victor Kessler, Thomas Armstrong, Jr. and Henry H. Humber, of the county of Switzerland, State of Indiana, and their associates and successors, be, and they are hereby constituted a body politic and corporate, and shall be known by the name and style of the "*Vevay Band*," and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in any and all courts of law or equity, or before any justice of the peace, and to create and elect or appoint their officers, and invest them with such powers, and impose upon them such duties as they shall by by-laws ordain: *Provided*, that in all elections a majority of all the votes given shall be necessary to a choice, and that no person shall hold more than one office at the same time, except those of secretary and treasurer, which may be held by the same person.

SEC. 2. Said corporation may appoint or elect a president, secretary and treasurer of their own body, who shall severally hold their offices and perform the duties that may be required of them by

the by-laws which said company may adopt for that purpose, without any compensation.

SEC. 3. Said corporation or a majority of two thirds thereof shall have power to pass or make from time to time such by-laws, rules and regulations, and inflict such forfeitures and penalties as may be necessary to carry into effect, and enforce obedience to the same, and to carry into effect the object of this charter, not inconsistent with the constitution and laws of this State or of the United States, as they may deem proper and expedient.

SEC. 4. Said corporation may at any time add to their number, or expel members in such manner as they may prescribe by their by-laws for that purpose; they may receive donations in money, property, or musical instruments, and hold or dispose of the same for the use of the corporation; they are authorized to make up a capital stock of one thousand dollars if necessary, for the purchase of instruments, books, or to be expended for tuition, of shares of not more than five dollars each, to be taken and held by their members, for the purposes aforesaid.

SEC. 5. Said corporation shall have power to do all acts necessary and proper to carry into effect the foregoing charter, and to promote the interest of said company, in the art and science of music, for which purpose it is granted.

SEC. 6. All meetings shall be considered regular, when two thirds of the members are present, whether held at the regular time or not: *Provided*, the members shall have notice in writing of any called meeting of said corporation.

SEC. 7. That no member of said corporation, shall sell his interest in said company, until he shall first offer the same to said band at a fair and reasonable price; and no person purchasing the same, shall be entitled to the benefits and privileges thereof, until he is first regularly admitted a member according to the by-laws of said company.

SEC. 8. The stockholders in said corporation shall be individually liable, in a just ratio or proportion of the amount of stock held or subscribed, for all debts incurred or created during their said possession of said stock: *Provided*, that the property and effects of the corporation, shall first have been disposed of to satisfy the debts incurred or created by said corporation.

SEC. 9. This act shall be a public act, and shall receive a liberal and beneficial construction.

SEC. 10. This act to be in force from and after its passage, and shall be liable to be altered or amended at any time, at the pleasure of the Legislature.

CHAPTER VIII.

An act to incorporate the Lafayette Hussars.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry W. Ellsworth, Joseph A. McCormick, Geo. W. McLaughlin and Thos. McMillan, members of a cavalry company, organized and in operation, in the county of Tippecanoe, with their associates and successors, be, and they hereby are constituted a body corporate and politic, by the name and style of "Lafayette Hussars," and by that name shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, plead and be impleaded in all courts of law or equity, to have and use a common seal, and the same to alter or change at pleasure; to create and elect or appoint their officers, under such regulations as they may by by-law ordain, and in general to make, establish and enforce such by-laws, regulations and rules, not inconsistent with the Constitution and laws of the United States, and of this State, as they shall deem beneficial to the success and good government of said company.

SEC. 2. Said company shall have power to increase the number of its members to one hundred privates; and whenever the number enrolled shall exceed fifty rank and file, it shall be the duty of the captain of said company, to communicate such fact to the Commander in Chief of the Indiana militia, who shall cause the quarter master general to transmit for the use of said company, an additional stand of cavalry arms and accoutrements for fifty members.

SEC. 3. The commissioned officers of said company, shall be a captain, four lieutenants and cornet, who shall be commissioned by the Governor of the State of Indiana, on due notice of their election, and to whom, alone, their resignations shall be tendered: *Provided however*, that until the number of members of said company shall exceed fifty rank and file, but two lieutenants shall be elected.

SEC. 4. The non-commissioned officers of said company, shall consist of a surgeon, four sergeants, four corporals, four markers and two trumpeters, who shall be elected by the company, and hold their offices for the space of one year subsequent to such election.

SEC. 5. Said company shall have power to levy taxes not exceeding two dollars on each member, in any one year, to assess and collect such fines for non-attendance at parades, drills, or business meetings, not exceeding five dollars per day for each member, and such fines for deficiency in equipments, not exceeding one dollar for each article from each member, as may be ordained by the by-laws of the company: *Provided however*, that the fines assessed to the officers of said company, shall be as follows: Each commissioned officer, for non-attendance at parade, not less than five, nor more than twenty-five dollars, and each non-commissioned officer, not less than three, nor more than five dollars.

SEC. 6. All fines assessed, or taxes levied by said company, may be sued for and recovered in an action of debt, before any justice of the peace, or other court having jurisdiction, and on the trial of all causes to which the company may be a party, their books, records and papers, duly authenticated

under the hand of the secretary, shall be admitted as *prima facie* evidence, in all courts and places of the facts therein contained.

SEC. 7. All fines, taxes, or penalties collected by said company, shall be for the exclusive use and benefit of the same.

SEC. 8. It shall be the duty of the commandant to order out said company for parade, and military improvement, one day in each month of the year, and oftener, if directed by the by-laws of the company.

SEC. 9. So long as said company shall remain in active operation, the persons composing the same, shall not be required to perform any other militia duty in time of peace, nor shall the uniform, horse or equipments, of any of its members, be liable to taxation, or execution under civil process, any law to the contrary notwithstanding.

SEC. 10. It shall be the duty of the captain of said company to furnish each member thereof, with a certificate of membership, under his hand, with the seal of the company attached, which certificate the county assessor and treasurer of Tippecanoe county, and all other officers interested, are hereby required to notice and respect.

SEC. 11. Said company shall be subject to the civil power, and shall assemble when required by the same, for the purpose of suppressing all riots and insurrections, that may happen in Tippecanoe county.

SEC. 12. Said company is also empowered to purchase or receive by donation, and hold real and personal estate, for the use of said company, not to exceed in value, the sum of five thousand dollars, and to erect, purchase, or lease a suitable building for an armory and drill meetings.

SEC. 13. To enable said company more effectually to provide for good order and discipline, they are hereby authorized and empowered, to organize within themselves such courts as may be necessary to take cognizance of all delinquencies, contempts, and disobedience of orders, or unsoldierlike conduct, on the part of any member of said company, and all fines assessed by said court shall be collected as hereinbefore provided.

SEC. 14. All persons who shall serve for the full term of six years from the date of their enrollment as a member of said company, shall be entitled to a discharge, and shall thereafter be exempt from militia duty in this State, except in case of insurrection or invasion.

SEC. 15. This act shall be a public act, and construed favorably in all courts and places, and shall be in force from and after its passage.

CHAPTER IX.

An act to incorporate the town of Portland in the county of Jay, Indiana.

[APPROVED, JANUARY 25, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Morrison Rulon, William Haines, Alexander White, Lewis N. Byram and Benjamin Garretson, be, and they are hereby appointed trustees of the town of Portland, in Jay county, Indiana,

to serve as such until the first Monday in June, 1843, or until their successors are elected and qualified, as herein after directed.

SEC. 2. That said trustees shall meet on the first Monday in April next after the passage of this act, and shall, from their own body, select a president.

The said president and trustees and their successors in office, shall be, and they are hereby declared to be a body politic and corporate, with perpetual succession, by the the name and style of the president and trustees of the town of Portland, and by their corporate name shall be capable, both in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction. They shall have power to ordain and establish and put in execution all such laws, ordinances and regulations as they shall deem necessary for the police, good government and order of said town, subject to the limitations and provisions hereinafter provided, and not inconsistent with the constitution and laws of this State and the United States.

SEC. 3. On the first Monday in June, 1843, and annually thereafter, there shall be an election held in some convenient place in said town, to be designated by the president and trustees for said corporation, at which election all white male citizens, inhabitants of said town, possessing the qualifications of voters for state and county officers, who shall have resided within the bounds of said corporation three months next preceding said election, shall be entitled to vote, and it shall be the duty of the president and trustees to give ten days notice of the time and place of holding said election, by publishing the same in some newspaper printed in said town, if there be one, or by setting up in three public places in said town, written or printed notices of the time and place of holding said election.

SEC. 4. The president of said corporation shall act as inspector of elections, who shall attend the same, and call to his assistance two of the qualified voters of said town, who shall act as judges of said election, and, together with their clerk, shall take an oath or affirmation, faithfully and impartially to discharge their duties. They shall after taking such oath or affirmation, attend the time and place appointed for said election, and proceed to receive the votes of the voters of said town, for five trustees, to serve as such for the ensuing year, or until their successors are elected and qualified: *Provided, however*, that if said voters shall fail to attend, or the president and trustees fail to give notice of said election, the said corporation shall not thereby be dissolved, but said president and trustees shall serve until the next annual election, and until their successors are elected and qualified: *Provided, further*, that should the president not attend said election, the voters present may choose from among themselves an inspector, who shall take an oath or affirmation as aforesaid, and shall proceed and conduct the election, in all respects, as directed in this section.

SEC. 5. It shall be the duty of the president and judges of said

election to certify under their hands and seals the five persons who have received the highest number of votes, which such certificates shall be filed and recorded by the clerk of said corporation, and a copy thereof given to each of the five persons returned. The said trustees thus elected, or a majority of them, shall meet within twenty days after such election, and, after taking an oath or affirmation faithfully and impartially to discharge their duties, shall proceed to elect one of their own body as president, whose duty it shall be to preside at the meetings of the board, preserve order, sign the record of their by-laws, journal, or minutes of proceedings, which shall also be attested by the clerk of said corporation, and after a copy thereof, of a public nature, signed by the president and attested by the clerk, shall have been published in a newspaper printed in said town, if there be one, or set up in three public places in said town, ten days therein, such laws shall be in force. All other laws to be in force from and after their passage and signing as aforesaid.

SEC. 6. A majority of the trustees shall, at all times, form a quorum; they shall meet on their own adjournments, and appoint all officers necessary to carry into effect the provisions of this act, and make them such compensation as, to them, may seem reasonable. No person shall be eligible as a trustee unless he be a qualified elector, and a freeholder or a householder within the bounds of said corporation. When vacancies happen by death, resignation, or otherwise, they shall be filled by the appointment of the trustees, until the next annual election.

SEC. 7. The president and trustees shall have full power and authority to levy and collect annually from each male inhabitant of said town, of full age and not a pauper, a poll tax not exceeding fifty cents in any one year; and also, a tax on real property, not to exceed one half of the per cent. on its valuation, and on all shows, exhibitions, and amusements which may be exhibited or performed for gain, any sum not exceeding ten dollars for each day's exhibition or performance thereof, and may levy and collect a tax on any specific article or articles of personal property.

SEC. 8. The president and trustees shall, in the month of April in each year, appoint an assessor, who shall take an oath of office and give bond and security, to be approved of by the president and board, conditioned for the faithful performance of his duties as assessor, after which he shall proceed forthwith to take a fair list, in alphabetical order, of all persons to tax, together with such property as the president and trustees may direct him to list: also, of all lots and fractions of lots, particularly noting the number and description thereof, the owner's name, if known, and whether resident or not. After having completed such assessment, he shall call to his assistance, two freeholders, who, having been sworn faithfully and impartially to value the real property, exclusive of improvements, so listed, shall, with the assessor, proceed to value the same; and such assessor shall, on or before the second Monday of May next, make return to the clerk of the corporation [of] such list and assessment.

SEC. 9. The president and trustees shall, in the month of May in each year, levy a tax on the property so listed and returned by the assessor, and appoint a collector, who shall take an oath and give bond with security to be approved by the president and trustees, conditioned for the faithful performance of his duties, and that he will faithfully pay over to the treasurer of the corporation, or such person as may be authorized to receive the same, all money that may come into his hands as collector. Said collector to serve for one year, unless sooner removed.

SEC. 10. The president and trustees shall cause the clerk of said corporation to make out a fair list of all persons taxable with a poll tax, with personal property, with real property, with its valuation, setting forth the owner's name, if known, the amount of tax chargeable to each person and the amount charged on each article, and shall deliver a duplicate copy of the same to the collector, on or before the first Monday in June, annually, and certify the amount of tax contained in said duplicate to the treasurer. Such list, put into the hands of the collector, signed by the president and certified by the clerk, shall be sufficient authority for the collector to collect the same.

SEC. 11. It shall be the duty of the said collector to receive and collect the amount of tax due from each individual as charged in said duplicate list, on or before the first day of August in each year, and shall, on or before the first day of August in each year pay over said tax to the proper person authorized to receive the same; and in all cases when the tax is not paid by that time, it shall be the duty of said collector to proceed by sale and distress of personal and real estate in the same manner as collectors of the state and county revenue were required by an act entitled an act for assessing and collecting the revenue, approved February 10th, 1831, in all respects not otherwise herein directed; and all sales by such collector of real or personal estate shall be as valid and binding as if made by the sheriff or collector of state or county revenue, and all deeds made or certificates given by him shall have the same force and effect, as if made by such sheriff or collector, and land or lots so sold for tax, as they would have been by virtue of the act aforesaid, shall be redeemable in the same manner as lands sold for state or county tax. Said collector shall, on or before the first Monday in October in each year, make return to the clerk of the corporation of his proceedings, and of all sales by him made, and he shall at the same time furnish a delinquent list, for which he shall receive a credit if true.

SEC. 12. The president and trustees shall in the month of May in each year appoint a treasurer who shall take an oath and give a bond to be approved by the president and trustees, conditioned for the faithful discharge of his duties as such treasurer.

SEC. 13. Whenever the owners of any lots on any street or section of street, shall be desirous of improving the same by grading, graveling, or paving said street or side walk thereof, or any other improvement of said street or side walk, two thirds of the resident

owners of lots on said street or section of street, by themselves or agents representing two thirds of the number of front feet owned by resident owners on such street or section of street, shall by petition represent to the president and trustees plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the said president and trustees, to cause the same to be done in the most economical manner, agreeably to the wishes of said petitioners, and the expense of such improvement shall be assessed and levied on all the lots fronting on such street or section of street equally per front foot for the distance such improvement may be intended to extend, which assessment and levy, from the time of making the same, shall be a lien on said lot or lots, until the amount so assessed and levied be fully paid and discharged. It shall be the duty of the clerk of said board to enter such petition on record, with the petitioners' names, the number of feet front owned or represented by each, and to make and deliver to the collector of the corporation, a list of the owners names if known, the number of feet front owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot, which list signed by the president and certified by the clerk, shall be sufficient authority for said collector, to proceed to collect the same; and if the owner or agent of any such lot shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same by sale of such lot, or fraction of lot, or so much thereof as may be sufficient to pay the amount so levied and costs of sale; and the said collector shall in all respects proceed in such sale in the same manner as in the sale of lots for tax, and the right of redemption shall be the same as in the case of sale for tax; and if any such lot or fraction of lot shall not sell for want of purchasers, or any other cause, the collector may postpone the sale from time to time, until the same shall be sold, adding the costs of former advertising; said collector shall be allowed in cash for advertising fifty cents, and fifty cents for making deed or certificate.

SEC. 14. It shall not be lawful for any person within the bounds of said corporation, to sell by a less quantity than one quart at a time any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house or grocery, unless such person or persons, shall in addition to the license obtained from the board of county commissioners, obtain a license from said corporation who is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of said corporation a sum not less than ten dollars, at the discretion of the president and trustees; and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling shop or grocery, contrary to the provisions of this act, he, she, or they so offending, shall, upon conviction thereof, upon presentment or indictment, or otherwise, before any court of competent jurisdiction, be fined in any sum not less than five dollars, for the use of said corporation.

SEC. 15. Fines and penalties for the violation of any of the laws, or ordinances of said corporation may be inflicted and recovered before justices of the peace, residing within the limits of said town, who are hereby invested with jurisdiction of the same.

SEC. 16. The bounds of said corporation shall, for the purposes of taxation and police, extend and embrace the plat of said town, including all out-lots and any addition or additions that have been or may be made thereto, as the same may, or shall be, recorded in the recorder's office of the county of Jay; and for the purpose of good government, the removal of nuisances, the suppression of gambling, horse racing, tippling, or any other immoral conduct, the limits of said corporation shall extend three fourths of a mile from the courthouse, in every direction.

SEC. 17. That should the president of the board of trustees fail or neglect to attend any of the meetings of said board, the members present may proceed to elect, from among themselves, a president *pro tem.* who shall serve at such meeting, and discharge all the duties, for the time being, required of the president.

SEC. 18. This act may be altered, repealed, or amended, at any time, by the Legislature, and shall be in force from and after its passage.

CHAPTER X.

An Act to incorporate the Perrysville Canal Lock Company.

[APPROVED, FEBRUARY 12, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Asaph Hill, Robert J. Guessie, A. B. Small, Joseph S. Ferrimore, Milo Gookins, William M. Porter, John N. Jones and Caleb R. Jewett, with their associates, be, and they are hereby constituted a body corporate and politic, by the name and style of the Perrysville Canal Lock Company, for the purpose of constructing a side cut and locks, connecting the Wabash and Erie Canal with the Wabash river, at section No. 79, as designated in the late survey of Wm. J. Ball Esq., and they and their associates shall continue in office and have perpetual succession, for the term of seventy-five years from and after the first day of May next, and by that name and style are hereby made capable in law, to contract and be contracted with, to sue and be sued, plead and be impleaded, as a natural person is in this State and elsewhere, and shall be so recognized in courts of law and equity, and to have and use a common seal, and to change and alter the same at pleasure; they shall also, in their corporate name for the use of said corporation, have the right to purchase and hold sufficiency of real estate, for the full enjoyment of all the privileges herein and hereby granted; and also, the power to ordain and establish such by-laws, ordinances and regulations, as shall be deemed necessary for the furtherance

of the objects of this incorporation, not inconsistent with the laws and constitution of this State.

SEC. 2. A capital stock of said incorporation shall consist of twenty thousand dollars, in shares of fifty dollars each, to be subscribed for, or sold in the manner hereinafter mentioned: *Provided*, the amount above stated, shall be insufficient to complete the work, then said capital stock may be increased to a sum sufficient for that purpose.

SEC. 3. That any time after the passage of this act, the before named persons shall meet at the town of Perrysville, or a majority of them, and elect a president out of their body, and a secretary, who may or may not be one of their body, whose duty it shall be to record all the orders and proceedings of said board, and proceed to make such arrangements for opening books for the subscription of stock, and may appoint such person or persons, to receive subscriptions of stock, at such times and places, and in such manner as they may order and direct, and shall moreover, make such orders for the payment of instalments on stock, as they may think to be for the interest of the corporation.

SEC. 4. When the sum of three thousand dollars of the capital stock hereby authorized, is subscribed, it shall be the duty of the secretary of said board, or the president, in case of the absence of the secretary, to give notice in a newspaper, or by written advertisement, or actual notice to the stockholders in said corporation, and shall in said notice, fix a time and place for the meeting of the stockholders in said incorporation, for the purpose of the election of directors of said company, who shall be elected out of the stockholders, by the stockholders, and shall be called the "board of directors of the Perrysville canal lock company," and the election of directors shall be conducted as the persons hereinbefore named shall ordain; and each stock holder shall have a vote for each share he may have less than five, and for each two shares more than five and less than ten, one vote; and for each four shares more than ten, one vote; to be given in person, or by proxy, in such manner as the by-laws shall provide, and that when five directors shall be chosen, they shall proceed to elect a president from their number, and to elect a secretary, who may be a stock holder, but not one of the directors, whose duty it shall be to record the proceedings of said board, and the directors so elected, shall continue in office one year from the time they are so elected, and a majority of them shall constitute a board competent to transact the business of the incorporation, and shall have full power to establish rules and by-laws for said company, and to establish such rules for the government of themselves and the stockholders, as to them may seem meet.

SEC. 5. When the board of directors shall be organized, the concerns of the incorporation shall be under their control and direction, and the president and two directors shall constitute a quorum competent to transact business, or in the absence of the president, any three of the directors, one of whom shall act as president pro tempore, and the president and directors after they shall have been organized as aforesaid, shall have power to supply vacancies in the office of secretary; to meet from time to time, as may be expedient; to adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and which are necessary to perform the duties and carry out the powers granted by this act; to appoint such subordinate officers, engineers, artists, agents, and workmen, as shall be necessary to exercise the business of the company; to demand at such time and in such proportion as they shall see fit, the sums of money due by the stockholders, on their respective money subscriptions of stock un-

der pain of forfeiture of the shares of their stock, and all previous payments thereon to the said company, or to sue therefor, and recover the amount due in an action of assumpsit at their option; to issue proper certificates of stock to the stock holders, and determine in what manner, and under what restrictions their shares of capital stock shall be transferable; to fix the compensation, and prescribe the duties of the several officers and agents in the employ of the association; to require such bonds, obligations, and securities of the various officers appointed to carry out the provisions of this act, as may be judged necessary; to open, and continue open as long as necessary, books for the subscription of additional stock in said company; to acquire, purchase, sell, lease and dispose of real estate, for the use of the company aforesaid, for the purposes and in the manner hereinafter described; to decide upon all locations of the works undertaken by said company, and establish and construct machine shops, toll houses, and all other necessary structures, fixtures, machinery and apparatus; to order and cause to be made, all surveys estimates, and lettings of works at such times and places as they may determine; to prescribe such forms of contracts, rules, regulations and specifications, for the performance of work, as they may judge proper; to enter upon, and take possession of any lands and streams of water, which may be necessary for the construction of said work, and to make the same available; to regulate the time and manner in which all boats, crafts, vehicle, travel, or property, shall pass on said work or works; to hold, use, lease and occupy, any toll houses, machine houses, ware houses, structures, fixtures, apparatus, or any hydraulic power and machinery; to establish and collect the amount of tolls and transit duties for travel and transportation; to make and declare, (deducting costs and charges,) a dividend of clear profits and income on said work or works, and apportionments among the stock holders, at such times as may be deemed expedient; and do all other necessary and proper acts, in accordance with the intent and meaning of this act.

SEC. 6. Any vacancy that may occur in the board of directors, shall be filled by the residue of said board, at their next meeting after such vacancy occurs.

SEC. 7. That if any person or persons, shall wilfully and knowingly do any act or thing whatever, whereby the said lock or locks, or any thing thereto belonging, shall be injured or damaged, the person or persons so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of legal and lawful jurisdiction; and any person or persons who shall pass, or attempt to pass, said canal and locks, without paying the toll, or tendering it, if any person be present to receive it, shall forfeit and pay three times the amount of the toll or tolls, which he, she, or they, were liable to pay for passing said locks, recoverable before any court having competent jurisdiction in this State.

SEC. 8. The individual property of the stockholders in said company, shall be held liable to the payment of the debts of the company; and this act shall be subject to amendment or repeal, at any time upon two thirds of the Legislature consenting thereto.

SEC. 9. *Be it further enacted*, That James Goodwin, James Gregory, Isaac Bryer, Moses J. Linolin, James McDonald, Benjamin Crow, Eleazer Purviance, James Bell, James J. Mcalbley and Wm. M. Haynes and their associates, are hereby constituted a body corporate and politic by the name of the "*Williamsport lock company*," for the purpose of constructing a side cut to connect the Wabash and Erie canal with the Wabash river, in the county of Fountain, opposite the town of Williamsport in Warren county; and the

said company by their said corporate name, shall be subject to all the duties and liabilities, and have possession and exercise all the powers, rights, finances [franchises] and privileges, by this act conferred on the "*Perrysville canal lock company*," and the said Williamsport lock company, may and shall be regulated and in all respects controlled by the provisions of this act, so far as the same are applicable.

SEC. 10. This act to be in force from and after its passage.

CHAPTER XI.

An act to incorporate the Dearborn County Cotton Manufacturing Company and for other purposes.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Pinkney James, C. G. W. Comegeys, David Macy, Omer Tousey and Daniel S. Major, together with such other persons as may associate for the purpose of prosecuting a general business, but the more especially the manufacturing and spinning of cotton, to be established and located at or near the town of Lawrenceburgh, Dearborn county, be, and the same are hereby ordained, constituted and declared to be a body politic and corporate, to all intents and purposes, to be known and designated by the name of the "Lawrenceburgh Trading and Manufacturing Company," by which name they and their successors and assigns shall have perpetual succession and be entitled to all the privileges and immunities of the laws of this State, as a body politic or corporate, such as, contracting and being contracted with, suing and, if necessary, being sued, pleading and being impleaded, defending and being defended, in any court of competent jurisdiction, and that they and their successors may have a common seal, and may make and alter the same at pleasure, and that they and their successors, as a body corporate by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property or estate whatsoever, real or personal, that may by them be deemed necessary to the prosecution of their designs as aforesaid, and the said coporation as herein described.

SEC. 2. That the capital stock of said corporation, shall consist of fifty thousand dollars consisting of shares of fifty dollars each. That it shall, nevertheless, be lawful for said corporation as soon as five thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges of extending the amount of the capital stock by subscription, till it amounts to fifty thousand dollars, as the interest of the business of said corporation may require; and that the aforesaid Pinkney James, C. G. W.

Comegeys, David Macy, Omer Tousey and Daniel S. Major, or any three of them, are constituted commissioners, and as such are hereby authorized to open and receive subscription to said stock, at such places and times as they may deem expedient, after the passage of this act; which subscriptions shall be paid at such time and in such manner as the board of directors shall order and direct.

SEC. 3. That as soon as five thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock, property and concerns of said corporation. Said commissioners shall give at least fifteen days' public notice previous to holding said election, by posting up notice thereof in three of the most public places in the county of Dearborn. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors are elected, and no longer, and they shall be elected by a majority of the votes given, either by the stockholders present or by written proxy from those not present; and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of such election; which elections shall be held in Lawrenceburgh, and annually from the date of the first election. The said commissioners shall act as judges, and shall manage and conduct said election, but at each subsequent election, the acting directors shall act as judges, and shall manage and conduct said elections; and said directors shall elect one of their number to act as president of said board of directors; and in case of vacancy of one of said board, by death or otherwise, the remainder of the board shall have power to fill such vacancy, but if a vacancy of two or more shall occur, the remaining board shall proceed to order an election to fill such vacancies.

SEC. 4. In case it should happen, at any time, that an election of directors should not be made on any day when, in pursuance of this act, it ought to have been made, the said corporation shall not, for that cause be dissolved, but it shall be lawful, on any other day, to hold an election for directors, in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 5. A majority of the directors shall form a quorum, capable to transact the business of said company, and may enact such by-laws, rules and regulations as they may deem expedient for the government of said corporation: *Provided*, they be compatible with the laws and constitution of this State and the United States. The said directors shall have full power and authority to put into operation all the designs contemplated in this charter.

SEC. 6. The stock of said corporation shall be considered as personal property, and shall be assignable agreeably to such rules and regulations as the board of directors may, at any time make and prescribe: *Provided*, that no transaction in the capital of said stock shall be valid until the same shall be entered as a matter of record

on the books of said company, nor till all or any claims which said company may have against said stockholder, shall be liquidated.

SEC. 7. The directors shall have power to receive and, by due course of law, to collect all subscription in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to receive ten per centum damages on any instalment of stock, which shall not be paid pursuant to the requisitions of the board, or the board may, in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share, forfeited to the use of the company: *Provided*, that notice of such requisition shall be given by said directors, by written advertisement, posted up at three of the most public places in said town of Lawrenceburgh, at least thirty days before such instalment may be payable, specifying the amount thereof and when due.

SEC. 8. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 9. That said directors shall appoint one secretary and one treasurer, who shall report to said board of directors, at least every six months, and as [much] oftener as said board may deem proper. Said treasurer shall, if required by said board of directors, give such security as they may deem sufficient; and said secretary shall keep the books of said company, in such manner as, at any time, they will give a full expose of the whole transactions of the concern; which books shall, at all times, be open to the inspection of all stockholders; and that said secretary, upon a refusal thus to display said books, on any of the usual hours of doing business, shall forfeit and pay any sum not exceeding one hundred dollars, one moiety thereof to the informer, and the remainder to the use of the corporation, to be recovered by action of debt before any justice of the peace, or other court, in Dearborn county.

SEC. 10. Said corporation shall not, at any time, hold real estate to a greater extent than five hundred acres, without the limits of a town, nor more town lots than are absolutely necessary for conducting their trading and manufacturing business, and for the residence of those who may, for the time being, be engaged in working in the manufacturing establishment of said company.

SEC. 11. Said corporation shall, at no time, issue any paper to circulate as bank paper, or in any manner engage in the business of banking, and the individual property of the stockholders shall be bound for the payment of the debts of the company.

SEC. 12. That this act shall be, and the same is hereby declared to be a public act for the purposes herein specified, and shall take effect and be in force from and after its passage, and shall be subject to alteration or repeal by any subsequent Legislature.

CHAPTER XII.

An Act to incorporate the Lafayette Band.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That H. Wilson Harris, Joseph D. Dennett, Ezekiel Timmons, William Medicus, Matthias S. Scudder, John Eagleston, Richard C. Nabb, Joseph Willis, James Lupton, Robert Gray, Pearson Ball, Joseph T. Ball, Levi Davis, William E. Rank, Washington G. Glaze and A. Jenners Bradfield, of the county of Tippecanoe, State of Indiana, and their associates and successors be, and they are hereby constituted and declared a body politic and corporate, to be known by the name and style of the "Lafayette Band," and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in any and all courts whatsoever, with power to make, have, and use a common seal, and the same to change and break at pleasure.

SEC. 2. The said corporation shall have power to establish such constitution, by-laws, rules, and regulations, as may be deemed necessary for efficient organization and existence as a body corporate, and create, elect, and appoint such officers as they judge requisite, investing the same with such powers, and imposing on them such duties, as said corporation by by-laws shall ordain.

SEC. 3. The principal officers of said corporation shall be a president, vice president, leader, secretary, and treasurer; who, together with a committee of vigilance consisting of three members, shall be chosen by ballot at each annual meeting, and hold their respective offices during the term of one year.

SEC. 4. Said corporation shall have full power to prescribe all terms of admission to, and dismissal from its body, together with all necessary penalties for infringement of its constitution or by-laws, to pass regulations compelling the attendance of its members, and to levy a fine not exceeding five dollars for each delinquency, and to assess such tax or taxes, not exceeding ten dollars, on each member in any one year, as may be deemed necessary for the current expenses of said corporation; which fines, taxes, and penalties, shall be collected as hereinafter provided.

SEC. 5. Said corporation shall have power to purchase all such musical instruments, books, and music, and employ a teacher or teachers at such salary or salaries, as may be determined by a vote of two thirds of the members thereof, and for the payment of the same, levy and collect a *pro rata* tax from each member of said corporation; and all instruments, books, and music so purchased, shall be and remain the exclusive property of said corporation.

SEC. 6. Said corporation may receive subscriptions for its own

use, and collect the same before a justice of the peace or other court having competent jurisdiction; it shall also have power, to receive by donation, purchase and hold real and personal estate to an amount not exceeding in value the sum of five thousand dollars, and the same to alien and convey; and all personal and real property of said corporation, to the value aforesaid, may at any time be funded, for the creation of a capital stock, in shares of five dollars each; *Provided, however,* That no member shall sell his interest in said corporation, until he shall first offer the same to said corporation, at a fair and reasonable price, and no person purchasing the same shall be entitled to the benefits and privileges thereof, until regularly admitted a member of said corporation.

SEC. 7. All fines, taxes, and penalties, assessed, or levied as before provided, by said corporation, may be sued for and recovered in an action of debt before any justice of the peace, or other court, having competent jurisdiction, and on trial of all causes to which said corporation is a party, their books, records, and papers, duly authenticated, under the hand of the secretary, with the seal of said corporation attached, shall be admitted as *prima facie* evidence of the matters and things therein contained.

SEC. 8. This corporation may be dissolved at any time by a vote of two thirds of its members, and in event of such dissolution, its assets, personal and real, shall be divided among its members in proportion to their stock.

SEC. 9. The members of the institute shall be liable in their individual capacity, in proportion to the amount of stock held by each, for all debts contracted during the time of their membership.

SEC. 10. The legislature may at any time, alter, amend, or annul this charter.

This act to be in force from and after its passage.

CHAPTER XIII.

An Act to incorporate the Cambridge city and Venice turnpike company.

[APPROVED, FEBRUARY 6, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana* That Edward Emerson and Joseph Howard of Wayne county, Charles Hubbard and John Harlan of Fayette county, Jacob Dubois and Benjamin F. Maloney of Union county, and Redin Osborn and Abram Jones of Franklin county, their associates and successors, be, and they are hereby constituted and made a body politic and corporate, under the name of "The Cambridge city and Venice turnpike company," and by that name may contract and be contracted with, may sue and prosecute and be sued and prosecuted to final judgment and execution, in all courts having competent jurisdiction, and

do and perform all other things legitimate for such company to do; and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of one hundred and twenty-five thousand dollars, which may be increased at any time, to any sum not exceeding double that amount, that may be deemed expedient to carry into execution the legitimate objects of said company; and said stock shall be deemed personal property.

SEC. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, company, county or State, to be paid for in cash, labor, or any kind of property real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be by the company prescribed.

SEC. 4. Any five of the persons named in the first section of this act, shall constitute a quorum for doing business; and so soon as may be deemed expedient, they shall meet at such place as may be by them agreed upon, and shall proceed to open books for the subscription of the capital stock, and do all other things needful for the full organization of the company.

SEC. 5. In case a quorum should fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the stations of the absentees, or any of them, as vacated, and appoint some proper person or persons to fill the same.

SEC. 6. So soon as may be deemed expedient after fifty thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of at least five shares; said commissioners shall in all things manage said election, and give proper certificates to the persons elected, who shall hold their offices for one year and until their successors are duly elected and qualified; but said first election shall not take place until five dollars on each share subscribed shall have been paid or secured to the company.

SEC. 7. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten; one vote on every two shares above ten up to thirty; one vote on every three shares above thirty up to sixty; one vote on every four shares above sixty up to one hundred; and and one vote on every five shares above one hundred; but no one shall have to exceed one hundred votes, and each stockholder may vote in person, or by proxy, given in writing.

SEC. 8. The time, place, and manner of holding all subsequent elections of directors, shall be regulated by the by-laws of the company; except that the elections shall be annual as nearly as may be convenient.

SEC. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said directors shall choose one of their number to act as President; they shall also appoint a secretary and a treasurer; and this mode of organization and qualification, shall be continued and observed by each subsequent board of directors; and a majority of said directors shall constitute a quorum to do business and to supply any vacancies that may occur in their own body.

SEC. 10. Said company shall have power to view, mark, locate and construct a turnpike road from Cambridge city in Wayne county, through Milton and the town of Dunlapville in Union county, on the most expedient route in the direction to Cincinnati, so as to strike the Venice and Milton turnpike

road at its intersection of the State line; and in constructing said turnpike, said company may follow such plan, and use such materials as they may deem most expedient; and the company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act; they shall also have the power to appoint all needful officers, agents, and operatives, and require them, or any of them, to give such bonds as may be deemed expedient; to enforce the payment of all stock subscriptions, at such times and places and in such proportions as may be agreed upon, under pain of forfeiture of the shares of stock taken by the delinquent and the payment made thereon, to the company; or to sue for and recover the amount due, in an action of assumpsit, at their option; to issue proper certificates of stock and regulate the mode of transferring stock; to acquire, lease, sell and dispose of such real estate, as may be expedient for the interests of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of the land and materials for such damages as may be just and reasonable, when the same are not voluntarily relinquished; to keep said road in repair; to erect, continue and keep toll gates; to establish, change and collect tolls from all such as may use said road; to make and declare dividends of profits to the holders of the stock; and to do all other proper acts expedient to be done, in accordance with the intent and meaning of this act.

SEC. 11. If any person or persons shall wilfully and knowingly injure or obstruct said road, or any thing belonging thereto, such person or persons, on conviction thereof before any court of competent jurisdiction, shall pay, for the use of said company, twice the amount of damage done, and costs of suit.

SEC. 12. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the nature of each, shall be kept by the company, and shall, at all times, be subject to the inspection of the stockholders, whenever any two of them shall apply, at the same time, for such inspection.

SEC. 13. The service of legal process on the president, treasurer, or secretary of said company, shall be held, in all courts and places, a sufficient service on said company; and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute, shall be presumed, but no common law ground of defence, when made to appear, shall, by any thing herein contained, be construed to have been taken away.

SEC. 14. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such a seal they are authorized to devise, adopt and use.

SEC. 15. Said company shall, under pain of forfeiture of their charter, begin the construction of said road within five years, and finish the same within ten years; and at any time after fifteen

years from the completion of said road, the State may buy up the same from said company at cost.

SEC. 16. The stockholders in said corporation shall be personally liable for all debts incurred or created during their possession of said stock, and in case of sale or transfer of stock from the original subscription, it shall not release the original subscriber from any debt or debts incurred or created during his, her, or their possession of said stock: *Provided*, the effects of said corporation be first exhausted.

SEC. 17. This act shall be in force from and after its passage, and be deemed a public act, and shall be liberally construed; and it may, at any time, be repealed or amended.

CHAPTER XIV.

An Act to incorporate the Lagro Wabash Bridge Company.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stock holders pursuant to this act, shall be, and they are hereby constituted a body corporate by the name and style of the "Lagro Wabash Bridge Company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act; and of suing and being sued, defending and being defended, in law and equity, in all courts whatsoever, and shall ordain and establish such by-laws, rules and regulations as they may think fit, for the good government of said bridge, not repugnant to the constitution or laws of this State or the United States.

SEC. 2. The capital stock of said corporation shall be eight thousand dollars, or as much thereof as shall be necessary to carry into effect the object of this act, consisting of shares of twenty dollars each, to be subscribed for before this said charter shall be of any effect.

SEC. 3. That Wilson W. Barlow, Thomas Hamilton, William T. Ross, Robert English and Oliver P. Murphy, of the county of Wabash, shall be commissioners to open books for receiving subscription to [the] capital stock of said corporation, and said books shall be opened on or before the first day of July, 1843, and each of said commissioners may receive subscriptions.

SEC. 4. Whenever eighty shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be put up at three of the most public places in the town of Lagro, giving at least three weeks notice of the time and place of meeting of the stockholders, to choose directors, and, at the time and place

appointed, shall choose five directors, being stockholders, a majority of whom may transact business; and a new election shall be held annually thereafter, on the last Saturday in September, or as soon thereafter as a majority of the stockholders shall convene for that purpose, at such place as the stockholders shall, at a previous meeting, designate; and the directors thus chosen, shall, as soon thereafter as may be, choose a president, secretary and treasurer.

SEC. 5. The directors may demand from the stockholders, respectively, all such amounts by them subscribed, at such time, and in such proportion as they may think proper, on penalty of forfeiting their respective shares and all previous payments; and subscriptions may be made in materials, labor, or in such property as may be agreed upon by said stockholder.

SEC. 6. The said corporation may, and they are hereby authorized to erect a toll-bridge across the Wabash river at the town of Lagro, in Wabash county, at the point where the Marion and Lagro state road now crosses; and the corporation shall, and they may, use the writ of *ad quod damnum*, and the benefits arising from the law allowing such writ, for the purpose of condemning the necessary quantity of ground for the erection of abutments, toll-house and necessary causeways.

SEC. 7. Whenever said bridge shall be completed the said corporation may erect a gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, to-wit: For every four-wheeled carriage or wagon drawn by two horses or oxen, twenty-five cents (25); for each additional horse or ox, six and a fourth cents (6¼); for every two or four-wheeled pleasure carriage, drawn by one horse, twenty-five cents (25); for [every] wagon, sleigh, or cart, drawn by one horse, eighteen and three fourth cents (18¾); and for every additional horse or ox, six cents (6¢) for every man and horse, twelve and a half cents (12½); for each horse, mule, or work ox, six cents (6¢); for each head of neat cattle, three cents (3); for every sheep or hog, one cent; for each foot passenger, six and a fourth cents (6¼); and in analogous proportion of the foregoing rates for any other animal or carriage: But all persons going to, or [returning from, places of religious worship; going to, or] returning from, muster; going to, or returning from, funeral processions, shall be exempt from paying toll.

SEC. 8. The bridge shall be built such width and in such manner as the said stockholders shall determine: *Provided, however*, the bridge shall not be less than sixteen feet wide, well secured by a railing not less than four foot high.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, (except persons going for physicians) he shall forfeit and pay to said corporation eight times the amount of legal toll, to be recovered, by action of debt, before a justice of the peace.

SEC. 10. If any person or persons shall wilfully impair or injure any part of said bridge, he, she, or they, so offending, shall forfeit and pay to the corporation, for every such offence, the sum of five dollars,

to be recovered with costs of suit, and shall also be liable to pay the corporation treble the amount of damages sustained, with costs of suit, to be recovered in action of trespass, in any court having competent jurisdiction.

SEC. 11. If any toll-gatherer shall unreasonably delay or hinder any person at the gate, or shall demand or receive more than legal toll, he shall, for every such offence, on conviction, forfeit the sum of five dollars, to be recovered by action of debt, before a justice of the peace, for the use of the person so defrauded, hindered, or delayed.

SEC. 12. If said bridge shall not be constructed within five years, from the passage of this act, then and in that case, this act shall be null and void, otherwise, to remain in full force and virtue for fifty years, and no longer.

SEC. 13. Nothing in this act shall be so construed as to prevent, hereafter, the erecting one or more bridges, one fourth of a mile on either side of it, should public necessity require it, or to exonerate said stockholders from liability for all debts by them contracted in the building of said bridge.

SEC. 14. This act to take effect and be in force from and after its passage.

CHAPTER XV.

An Act to incorporate the Spring Creek Academy.

[APPROVED, FEBRUARY 9, 1843.]

Whereas, as it is represented to the General Assembly of the State of Indiana, That a literary institution called Spring Creek Academy, is in successful operation in Lawrence county, (situated in section thirty-two, township six north, of range two, west,) sustained and conducted by the voluntary association and private resources of individuals, without the aid of Government. Now in order to encourage learning, to extend the means of education, and to give dignity, permanency and usefulness to said institution:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That John L. Short, Ari Armstrong and C. W. Short, be, and they are hereby constituted and appointed trustees of the said literary institution, by the name and style of of Spring Creek Academy, and by that name shall be a body corporate, shall have perpetual succession, and a common seal, may contract and be contracted with, grant and receive, sue and be sued, implead and be impleaded in all courts and places.*

SEC. 2. *Be it further enacted, That when a vacancy shall happen in the board of trustees, by death, resignation, removal or otherwise, the remaining trustees, or a majority of them, shall have full power and authority to appoint a suitable person to fill such vacancy, and may at their discretion, appoint an additional number of trustees, whenever, in their judgment, the exigen-*

cies of the institution may require such increase; all trustees so appointed, shall have the same rights, powers and privileges, as if they were named in this act.

SEC. 3. *Be it further enacted*, That the person first named herein, or in case of his absence, the next named, shall give notice of the time and place of the first meeting of the board of trustees, and on the attendance of a majority thereof, they shall appoint a president, and adopt such regulations for their government as they may deem expedient.

SEC. 4. *Be it further enacted*, That the board of trustees shall have full power to receive, hold, manage and govern all the property of Spring Creek Academy, real and personal; to appoint such officers as they shall judge convenient and useful, and to displace the same; to remove a trustee for any cause which they may deem sufficient, two thirds of the whole number concurring; to define the qualifications of a trustee; to act and enforce all such statutes and ordinances as they shall judge convenient and useful, as well for the better management of the revenues and proprietary interests of the academy, as for the advancement of science and learning, so that the same may not be repugnant to the laws of the land, nor injurious to the rights of conscience; to distinguish merit by conferring such literary and scientific degrees, honors and rewards, as they may deem proper, and generally to have and enjoy all the rights and privileges usually exercised by academies.

SEC. 5. *Be it further enacted*, That a majority of the whole number of trustees, for the time being shall be a quorum, and shall be capable of exercising all the powers, and transacting all the business of the board.

SEC. 6. *Be it further enacted*, That said board of trustees shall keep a fair record of all its corporate acts, and shall lay a copy thereof before the General Assembly, or either house thereof, whenever required so to do; and the General Assembly reserves to itself the right and power to alter or repeal the charter, whenever it shall be of opinion that the said academy has failed to accomplish the beneficent purpose for which it was created. But in case of dissolution, as the State has not endowed said academy, its property, after the payment of its debts, shall vest in, and be subject to the disposal of the individuals at the time composing said board of trustees.

CHAPTER XVI.

An Act to incorporate the Columbus Band of Musicians.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John A. Ferrell, Isaac S. Boardman, David B. Farrington, Benona B. Jones, Wilkerson B. Horn, George W. Amsden, William Ferrall, Phillip R. Horn, James Hobbs, Nicolas Gilman, Samuel H. Kridelbaugh, Henry E. Soper, George M. Gilbert, and Lewis D. Lyons, of the county of Bartholomew, and state of Indiana, and their associates and successors be, and they are hereby

constituted a body politic and corporate, and shall be known by the name and style of "The Columbus Band," and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in any and all courts of law or equity, or before any justice of the peace, and to create and elect or appoint their officers, and invest them with such powers, and impose upon them such duties as they shall by by-laws ordain: *Provided*, That in all elections a majority of all the votes given shall be necessary to a choice, and that no person shall hold more than one office at the same time.

SEC. 2. Said company shall within one year after the passage of this act, proceed to establish such constitution, by-laws, rules, and regulations as they may deem necessary, for the effective organization of said corporation, and the same to alter, amend, or repeal at any regular meeting of said company.

SEC. 3. Said company shall have power to pass by-laws, to compel the attendance of members, and to levy a fine not exceeding one dollar for a violation thereof, and the same to collect before any justice of the peace, or court of competent jurisdiction.

To regulate and prescribe the terms of admission and dismissal of members to and from said company.

To provide by by-laws, that no member shall sell his interest in said company, until he shall first offer the same to said band at a fair and reasonable price, and that the person purchasing the same, shall not be entitled to the benefits and privileges thereof, until he is first regularly admitted a member according to the by-laws of said company.

To levy a tax upon its members, not exceeding five dollars each, in any one year, for the purpose of defraying the expenses of said company, and the same to collect before any justice of the peace, or court of competent jurisdiction.

To purchase all such instruments as may be directed by a vote of two thirds of the members thereof, and to levy and collect of its members a *pro rata* tax sufficient in amount to pay for the same.

To employ such teacher or teachers, and at such salary or salaries, as shall be directed by a vote of two-thirds of the members; which salary or salaries, shall be paid by a *pro rata* tax to be assessed and collected by the members of said company.

To purchase, receive by donation, and hold personal and real estate for the use of said company, not to exceed in value the sum of five thousand dollars.

To erect, purchase, lease, and hold a building or buildings for said company to hold their meetings in.

To receive subscriptions for the use of said company, and the same to collect before any justice of the peace, or other court of competent jurisdiction.

To retain the instruments now in their possession for the use of said company.

SEC. 4. All meetings shall be considered regular when two-thirds

of the members are present, whether held at the regular time or not.

SEC. 5. The books of said company shall be *prima facie* evidence in all courts and places of the facts therein stated, and the same may be proved by any member of said company.

SEC. 6. This act shall be a public act, and be favorably construed in all courts and places, and be in force from and after its passage.

CHAPTER XVII.

An Act to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

[APPROVED, FEBRUARY 10, 1843.]

SEC. 1. [*Be it enacted by the General Assembly of the State of Indiana.*] That for the purpose of revenue, the common council of the city of Madison shall, from and after the taking effect of this act, levy an *ad valorem* tax upon all real estate, including improvements situate within the corporate limits of said city; and also, a like tax upon all personal property belonging to the residents of said city, including merchandise, bank stock, insurance stock, household furniture, money at interest, and all other kinds of personal property, whether in possession or in action: *Provided*, that each family shall be allowed to retain as exempt from taxation, one hundred and fifty dollars worth of household furniture.

SEC. 2. After the second Monday of April, and before the first Monday of May in each year, the common council of said city shall appoint an assessor, who, before entering upon the duties of his office, shall take an oath, well, truly and faithfully to discharge the duties required of him; and also, enter into bond with freehold security, to the satisfaction of said common council, conditioned for the true and faithful discharge of his said duties: *Provided*, that said common council may appoint more than one assessor, if, in their opinion, they shall deem such additional appointment expedient.

SEC. 3. It shall be the duty of the assessor to proceed forthwith to make out a full and fair list of all such persons and property as he may be directed to assess as far as practicable, in alphabetical order, setting opposite to the name of each person, the lot or lots, piece or parcel of ground, (particularly describing it,) by him or her owned or claimed, and also, the value thereof; also, the number of polls, and the aggregate value of each person's personal property in possession or action, subject to be taxed as in the first section of this act provided, and add up the sum total of the whole amount of said taxable property by him listed; and for the purpose of enabling the assessor to ascertain the value of each person's personal property in possession or action, subject to taxation, it shall be the duty of the assessor to require each person to state under oath, to him, the fair valuation of his or her personal property in possession or action, subject to taxation as hereinbefore provided; and the assessor is hereby authorized and empowered to administer said oath.

SEC. 4. It shall be the duty of said assessor or assessors, to complete the assessment roll or rolls, and return the same to said common council, by the first Monday in July succeeding his or their appointment.

SEC. 5. After the return of the said assessment roll or rolls, and by the third Monday [in July] in each year, if the said roll or rolls shall have been returned in time, the common council shall fix and determine the per centum or rate of tax to be levied on the taxable property.

SEC. 6. It shall be the duty of the clerk of said common council, to calculate and carry out on said assessment roll or rolls, the amount of tax chargeable against each person respectively, and according to the rate established in pursuance of the fifth section of this act; and also, to make out a complete duplicate of the said assessment roll or rolls, after the said calculations have been so made as aforesaid; said calculations and duplicate to be completed by the third Monday in August, in each year, and placed by the common council in the hands of the collector of the revenue of the city.

SEC. 7. In case any person should fail or refuse when called on for that purpose, to state to the assessor under oath as in the third section of this act, provided, the value of his or her personal property subject to taxation, it shall be the duty of the assessor to affix, from the best information he can get, a fair valuation to the property of each person so failing or refusing to give in a statement of the value of his or her property as in section third above provided.

SEC. 8. That the value affixed by each person to his or her personal property, pursuant to the provisions of the third section of this act, and the value affixed by the assessor to each person's personal property, who shall fail or refuse, when called on by the assessor for that purpose, to give a statement of the value of his or her personal property as aforesaid, shall be final and conclusive; and should any person or persons be absent so that the assessor cannot call on him, her, or them, for a statement of the value of his, her, or their personal property, in pursuance of said third section, it shall be the duty of the assessor to affix from the best information he can get, a fair valuation to the said property, of such person or persons: *Provided*, if such absent person or persons should feel himself, herself, or themselves aggrieved by the valuation of said assessor, he, she, or they may apply to the common council for redress in the premises, by application to the common council at any regular meeting before the first Monday in January next succeeding said valuation and not afterwards: *And, provided further*, That any person or persons may apply to the common council for the purpose of procuring the correction of any error that may have been made either in the assessment-roll or duplicate, on or before the first Monday in January succeeding, and not thereafter.

SEC. 9. It shall be lawful for the common council to regulate, permit, or prohibit, the selling at public auction, either in the street, stores, or elsewhere within the limits of said city, horses, and all other domestic animals, merchandise, and all other kinds of property, either real or personal, and to appoint and license auctioneers.

SEC. 10. That after the third Monday of January, and before the first Monday of March annually, it shall be the duty of the col-

lector to proceed to collect the taxes then remaining unpaid, by seizure and sale of property in the same manner as is provided in the forty-eighth section of the act to which this is an amendment, and make return of his doings in the same manner as is provided in the fifty-third section of the act to which this is an amendment, and that so much of said forty-eighth section and fifty-third section of the act to which this is an amendment, as comes in conflict with the provisions of this section be, and the same is hereby repealed.

SEC. 11. That nothing herein contained shall be so construed as to prevent said common council from levying a specific tax upon dogs, bitches, and hogs.

SEC. 12. This act to take effect and be in force from and after its acceptance as herein provided in this section, viz: this act shall not be in force until a majority of the qualified voters within the incorporated limits of the city of Madison, shall declare their assent or dissent to the same, and for the purpose of enabling them so to do, the corporate authorities of said city shall cause to be opened at each ward in said city, at the annual city election in April next, a poll book, in one column of which shall be entered the assent of each voter in favor of accepting this act as an amendment to said charter, and in another column shall be entered the dissent of each voter opposed to its acceptance as an amendment to said charter; and in case a majority of the voters at said April election, vote in favor of accepting this act, then, and in that case the same is hereby declared to be in full force, and if on the contrary a majority of said voters shall vote against the adoption and operation of this act, then and in that case the same is hereby declared null and void, and of none effect; which votes shall be certified to and returned as in said charter provided for certifying and returning votes given for city officers.

SEC. 13. And for the purpose of bringing this act directly before the voters of said city, it is hereby made the duty of the corporate authorities of said city, to cause the same to be published for four weeks successively before the first Monday in April next, in the Republican Banner, Madison Courier, and Constitutional Advocate, weekly newspapers printed and published in said city.

CHAPTER XVIII.

An Act to incorporate and establish, in the city of Madison, an institution for the dissemination and promotion of the Medical and associate sciences.

[APPROVED, FEBRUARY 10, 1843.]

WHEREAS, it has been represented to the present General Assembly of the State of Indiana, that certain persons hereinafter named, have established in the city of Madison, an institution for the dissemination and promotion of the medical and associate sciences, to the support of which they are pledged to use their united efforts, and which institution is forever to be conducted on the most liberal principles, accessible to all religious denominations, and designed for the benefit of our citizens in general: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, for the purpose of promoting medical science, a medical institution shall be, and the same is hereby established in the city of Madison, in Jefferson county, and State of Indiana, to be known by the name and style of the "Madison Medical Institution," which shall be founded and maintained for ever, upon a plan most suitable for the benefit of medical science, and [of] every class of citizens, and of every religions denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the honors of said institution, under the provisions hereinafter enacted; and that Howard Watts, Willis Hodges, Joseph G. Norwood, Joseph H. D. Rogers, William Davidson, Charles Schussler, George W. Cross, John W. Gatewood, H. Morrison, and their associates and successors, shall be, and they are hereby incorporated and constituted a body politic, with perpetual succession, and in the name of the Madison Medical Institution, may acquire, hold and enjoy, all such real and personal estate as may be necessary and proper for the accommodation of the institution and the advancement of medical science, and the same to convey and sell at pleasure: *Provided,* that the annual income of all such real and personal estate they may hold shall not exceed fifty thousand dollars per annum; they may also contract and be contracted with, sue and be sued, plead and be impleaded with, in their corporate name; and may have and use a common seal, and change, alter and renew the same at pleasure.

SEC. 2. That the fiscal, prudential, and municipal concerns of said institution shall be committed to a president and six managers, who shall each have an equal voice in the decision of all matters in relation to the concerns of said institution, and they shall have power and authority to make all such by-laws, rules and regulations that may be necessary and proper for the good government of said institution, and the management of its fiscal and prudential concerns, and for the advancement of medical science, that they may deem

right; and they may create such departments and such officers and instructors as they may, from time to time, deem necessary to form an efficient faculty for the proper instruction of students in medicine and surgery, and the associate sciences, as taught in the best universities and colleges in our country.

SEC. 3. That the president shall hold his office for two years and the managers for one year; and no person shall be admitted a member or be appointed to an office, unless he be nominated by the president and chosen by a majority of the managers.

SEC. 4. That Howard Watts shall be the first president and Willis Hodges, Joseph G. Norwood, Joseph H. D. Rogers, William Davidson, Charles Schussler and John W. Gatewood, the first managers; and they shall hold their respective offices until the first day of January, 1844; but if any vacancy shall arise from death, resignation, or otherwise, the residue of the board shall supply the vacancy by the election of some other person.

SEC. 5. That all members of said institution shall have each one vote in the choice of president and managers; and the board of managers shall make all necessary and proper by-laws and rules for the election of their successors, and shall cause public notice to be given of the time and place of the biennial election of president, and of the annual election of managers; they shall cause a fair record to be kept of their proceedings, and shall, before each annual election, publish, for the use of the members of the institution, a true statement of its finances, and all matters relating to the institution, and what it has done for the advancement of medical science.

SEC. 6. That the said president and managers of the "Madison Medical Institution," before entering upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the State of Indiana, that is to say: "I [A. B.] do solemnly swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties of a manager of the Madison Medical Institution, pursuant to the laws and constitution of the State of Indiana, the constitution of the United States, and the charter granted by the State of Indiana, establishing said institution, without favor, affection, or partiality, so help me God." And two thirds of the said six managers may, at any time, in regular meeting, by resolution to that effect, declare the appointment or office of any of the faculty or instructors vacant, and proceed to fill such vacancy at such meeting, or at any future meeting they may designate.

SEC. 7. That the said managers and their successors in office, shall meet at least twice in every year, in stated semi-annual meetings, to be appointed by their own ordinances, and at such other times as, by their said ordinances, they shall direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them, in all which meetings, the president and four managers being present, shall constitute a quorum for doing business. But a majority of said seven managers shall be re-

quired to make, pass and establish ordinances, rules and by-laws, not contrary to the constitution and laws of this State, for the government of said institution and the proper education of its students, and by them to delegate to the president, professors and other teachers, such powers and authorities as they may judge expedient for the government of the institution. And the said majority of managers shall also have power, at any legal meeting, to alter or annul any rules or regulations by them established; and to do all matters and things which they may deem expedient for the faithful fulfilment of their trust.

SEC. 8. That said managers and their successors shall, whenever the condition of the institution will justify the measure, admit, gratuitously, in whole or in part as their respective cases may require, two pupils from each congressional district of the State, and such others as they may deem proper, upon said pupils presenting satisfactory testimonials of their moral worth and inability to defray the necessary expenses of obtaining a medical education. And said managers are hereby authorized to receive subscriptions, donations and bequests, either in money, personal, real, or mixed property, for the purpose of enabling them to procure apparatus, books, engravings and other requisites in establishing and continuing said institution.

SEC. 9. That said managers and faculty, for the purpose of promoting the general interests of medical science and of stimulating and encouraging the students in their progress, and rewarding merit, shall have full power and authority, once in every year, as they, by ordinance shall direct, to hold a public commencement, and to graduate, with medical honors, such students as shall, from time to time, be found to have merited the same, by their character and acquirements: *Provided*, that such applicants for graduation shall have studied medicine at least two years in addition to an attendance upon two full courses of medical lectures, and shall have conformed to, and complied with, all the laws, rules and regulations in relation to them, adopted by the said managers, and shall have undergone a strict private examination, in regard to their acquirements in medicine, surgery, and the associate sciences, in the presence of the faculty, by a board of six examiners, to be appointed by the Governor of the State of Indiana, for the time being and for the special occasion; which examiners shall be members of the medical profession, and in no wise connected with the management of said institution. And said managers and board of examiners, jointly, shall, also, previous to conferring such honors, subject the applicants to a public examination, of one or more hours, upon the several branches of medicine and surgery. And said managers and board of examiners, jointly, shall have power and authority to confer upon the deserving the degree of Doctor of Medicine, whether honorary or otherwise, in as full and ample a manner as in any similar institution; and may issue, when they deem it expedient, testimonies or diplomas, bearing the seal of said institution, as certificates of the same,

signed by the president, managers, faculty and board of examiners. And in the event that either or all of the persons so appointed to constitute a board of examiners shall fail to attend at the appointed time, the managers of the institution shall have power to fill the vacancy or vacancies so occasioned.

SEC. 10. This act is hereby declared a public act, and shall be construed liberally for every beneficial purpose hereby intended; and no omission to use any of the privileges hereby granted, shall cause a forfeiture of the same; nor shall any gift, grant, conveyance, or devise to, or for the benefit of, the corporation, be defeated or prejudiced by any misnomer, misdescription, or informality whatever: *Provided*, that the intention of the parties can be shown or ascertained beyond a reasonable doubt.

SEC. 11. This act to take effect and be in force from and after its passage.

CHAPTER XIX.

An Act to incorporate the Dayton band and the New Albany law institute.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That A. W. Rowan, Peter Lupton, G. H. Rycraft, R. G. Parsill, L. B. Bush, Geo. M. Huggan, Samuel Litten, R. G. Chissom, L. D. Chissom, Thos. J. Toole, J. G. McMechen, of the county of Tippecanoe and State of Indiana, and their associates and successors, be, and they hereby are constituted and declared a body politic and corporate, to be known by the name and style of the "Dayton band," and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in any and all courts whatsoever, with power to make, have and use a common seal, and the same to alter and change at pleasure.

SEC. 2. Said company shall have power to establish such constitution, by-laws, rules and regulations as may be deemed necessary for efficient organization and existence as a body corporate, and create, elect or appoint such officers as they judge requisite, investing the same with such powers, and imposing on them such duties, as such company by by-laws shall ordain.

SEC. 3. The principal officers of said company shall be a president, vice president, leader, secretary and treasurer, who, together with a committee of vigilance consisting of three members, who shall be chosen by ballot at each annual election, and shall hold their respective offices during the term of one year.

SEC. 4. Said corporation shall have full power to prescribe all terms of admission to, and dismissal from its body, together with all necessary penalties for infringements of its constitution or by-laws; to pass regulations compelling the attendance of its members; and to levy a fine not exceeding five dollars for each delinquency; and to assess such tax in any one year,

not exceeding ten dollars on each member, as may be deemed necessary for the current expenses of said company, which fine, taxes and penalties, shall be collected as hereinafter provided.

SEC. 5. Said corporation shall have power to purchase all such instruments, and employ a teacher or teachers, at such salary or salaries, as may be determined by a vote of two thirds of the members thereof, and for the payment of the same, levy and collect a *pro rata* tax from each member of said company; and all instruments so purchased shall be, and remain the exclusive property of said band.

SEC. 6. Said corporation may receive subscriptions for its own use, and collect the same before a justice of the peace, or other court having competent jurisdiction; they shall also have power to receive by donation, purchase and hold real and personal estate to an amount not exceeding the value of five thousand dollars, personal and real estate, and the same to alien and convey; and all of said property aforesaid may be funded for the creation of capital stock, in shares of five dollars each: *Provided, however*, that no member shall sell his interest in said company, until he shall first offer the same to said band at a fair and reasonable rate; and no person purchasing the same, shall be entitled to the benefits and privileges thereof, until regularly admitted as a member of said company.

SEC. 7. All fines, taxes and penalties assessed or levied as before provided by said corporation, may be sued for and recovered in an action of debt, before any justice of the peace, or other court of competent jurisdiction, and on trial of all causes to which said corporation is a party, their books, records and papers, duly authenticated under the hand of the secretary, with the company's seal attached, shall be admitted as *prima facie* evidence of the facts therein contained.

SEC. 8. This corporation may be dissolved at any time by the Legislature of this State, and in case of such dissolution, its assets, personal and real, shall be divided among the members in proportion to its stock. The members of the institute shall be liable in the individual capacity for all debts contracted during the time of their membership.

SEC. 9. This act shall be a public act, and be favorably construed in all courts and places, and shall be in force from and after its passage.

SEC. 10. *Be it further enacted*, That Henry P. Thornton, Stephen Burs, Jared C. Jocelyn, Henry W. Smith, John A. Loder, Henry Collins, James C. Moody, John S. Davis, Thomas L. Smith, Peter A. Roan, Silas Overturf, Francis Moore jr., David Wilkinson, Jacob Anthony, Robert A. Mercer, Thomas Collins, John V. Varnum, Isaac N. Aiken, and James Collins, jr. and their associates and successors, be, and they are hereby constituted and declared to be a corporate body, by the name and style of the "*New Albany law institute*," with perpetual succession, and with full power by that name to contract and be contracted with, to sue and be sued in all or any of the judicial tribunals of this state; to adopt and use a common seal, and the same to alter at pleasure; to adopt a constitution, and to establish and enforce rules and regulations not repugnant to the constitution and laws of this state; to create and appoint the necessary officers, and fix their term of service, together with all such other powers as may be necessary to carry out the object of said association, which is hereby explicitly declared to be solely the establishment of a permanent law library, the promotion of legal science and the diffusion of knowledge generally in the community.

SEC. 11. The said institute may receive donations in money, books, maps and other property; and may purchase, hold, and enjoy, with full power to

dispose thereof, property, both real and personal, to an amount not exceeding in value the sum of one thousand dollars in addition to books and maps.

SEC. 12. The property both real and personal, as well as the stock taken and subscribed by the stockholders of said association, shall be liable for the debts of the same; and the said stockholders shall be moreover individually liable therefor, in proportion to the stock held by each of them respectively.

SEC. 13. The interest of the members of said institute shall be transferable on the books of the same, in such way as may be prescribed by the rules hereafter to be adopted for that purpose, and shall in all respects be treated, and upon the decease of any holder thereof, be held to descend as other personal property.

SEC. 14. The General Assembly of the State of Indiana, shall have the right to alter, amend, or repeal this charter at any time.

SEC. 15. This act shall take effect and be in force from and after its passage.

CHAPTER XX.

An Act to incorporate the Delany Academy in the town of Newburgh, Warrick county, Indiana.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a Seminary for the education of youth in general science and literature, to be known by the name and style of the "Delany Academy" is hereby authorised to be established in the town of Newburgh, Warrick county, Indiana.

SEC. 2. For the government of said academy, there shall be appointed a board of trustees of seven persons, who shall be constituted a body politic and corporate by the name of "The Trustees of the Delany Academy," and in their corporate name and capacity shall have perpetual succession, and may sue and be sued, plead and be impleaded in any court of record in this state.

SEC. 3. That the said trustees, and their successors in office, shall have power in their corporate name to acquire and hold for the benefit of the Delany Academy, either by gift, grant, purchase, devise, bequest, or otherwise, real estate not exceeding one hundred and sixty acres in quantity, exclusive of the lands necessary to erect seminary buildings upon, and personal property not exceeding in value twenty-five thousand dollars, exclusive of library and necessary apparatus for the instruction of the pupils.

SEC. 4. That the said trustees shall hold their office each for the term of one year, and until their successors are chosen; and the Indiana Presbytery of the Cumberland Presbyterian Church, shall have power at its annual spring meeting, to appoint their successors

in office, and at all times to fill vacancies which may occur in said body of trustees either by death, resignation, or otherwise.

SEC. 5. That said board of trustees and their successors in office are hereby authorized to receive conveyances of real estate, not exceeding in quantity the amount specified in the third section of this act in their corporate name aforesaid, and to hold the same in trust, for the use and benefit of the Delany Academy, and to receive donations of personal property, books, money, and all necessary apparatus for the proper instruction of the pupils and the prosperity of the "Academy." The said trustees shall also have power to receive donations of moneys or personal property for the special purpose of educating such indigent young men for the gospel ministry as the Indiana Presbytery of the Cumberland Presbyterian Church may designate, and shall apply the same accordingly, and shall annually report the amount so received to said presbytery.

SEC. 6. The trustees hereinafter appointed, shall meet at the town of Newburgh, on the 22d day of February, 1843, and proceed to organize the board, by electing a president, secretary, and treasurer of the board; which officers shall hold their offices for the term of one year, and until their successors be chosen; and the treasurer so elected, shall give bond to said trustees in such sum, and with such securities, as the board shall approve, conditioned for the faithful discharge of his official duties. A majority of the trustees shall constitute a quorum to transact business.

SEC. 7. The trustees when organized, shall have power to adopt by-laws, rules, and regulations for the good government of the academy, and the regulation of their own body: *Provided*, the same be not inconsistent with the laws and constitution of the state of Indiana. They shall also have power to fix the times and places of their own meetings, and the manner of giving notice thereof.

SEC. 8. They shall have the power to employ the necessary teachers, and add to their number from time to time, as the interest of the academy may require.

SEC. 9. This institution shall be conducted on christian principles, but no pupil shall be compelled to study theology, or to profess the religious opinions of any particular religious denomination, nor shall any teacher or other seminary officer, while acting as such, hold the office of trustee.

SEC. 10. The trustees shall prescribe the particular duties of their secretary, treasurer, and other officers, and shall at the annual spring meeting of the Indiana Presbytery of the Cumberland Presbyterian Church, report the condition of the academy, together with the number of teachers employed, and their salaries; the number of pupils in the institution, the amount of property, either real or personal, whether acquired by gift, grant, purchase, or otherwise; the amount of money received by subscription, together with a full and complete account of all their proceedings.

SEC. 11. That Joseph Neely, A. M. Phelps, T. B. McCormick, James C. Ritchey, David Negley, Benjamin Hall, and John S. Saw-

yer, shall be, and they are hereby appointed trustees of said academy, and shall hold their offices until their successors are chosen, agreeably to the provisions of this act. The legislature reserves the right to alter, amend, or annul this charter at any time.

This act to take effect and be in force from and after its passage.

CHAPTER XXI.

An Act to incorporate the Darlington Trading Company.

[APPROVED, FEBRUARY 10, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of trading in country produce, and buying and selling goods, wares and merchandise, all such persons as shall become stockholders agreeably to the provisions of this act, shall be, and they are hereby constituted a body politic and corporate, in fact and name, by the title of "The Darlington Trading Company," and by that name they and their assigns and successors shall and may sue and be sued, plead and beimpleaded, answer and be answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure, and also to adopt, establish, and carry into execution such laws, ordinances and regulations as shall be, by its president and directors judged necessary and convenient for the government and management of said company, its officers, agents, superintendents and property; and the same to change, alter, repeal, annul and re-enact: *Provided*, that such laws or ordinances and regulations be not contrary to this act of incorporation, the laws and constitution of the United States, or of the State of Indiana.

SEC. 2. The said corporation shall have the power of buying and selling all kinds of country produce, and vending foreign and domestic merchandise at Darlington, and any other place within the county of Montgomery; and also to export and sell any produce or merchandise, any where that they may think conducive to the interest of said corporation: *Provided*, that the stock of said company shall be liable to state and county tax, in the same manner as other property, and a license shall be first procured for vending foreign merchandise, as is now required by law.

SEC. 3. The capital stock of this corporation hereby created shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, for which certificates of stock shall be issued to the stockholders, signed by the president, and may be transferred on the books of the said corporation, to be kept for that purpose, and not otherwise; in which case

the old certificates shall be surrendered and new ones issued. No stock shall be transferred by any stockholder when any debt is due or then owing and to become due, from such stockholder, but by the consent of the directors, or a majority of them. The stock shall be considered as personal property and may be sold on execution and transferred on the books of the company by the officer selling the same; but in all cases [shall] be subject to a lien in favor of the company for all debts *bona fide* [due] and then owing, or to become due for the same from the owner.

SEC. 4. That T. P. Albertson, John B. Lowman, William Andrew, Pleasant H. Winston, and John Cox shall be, and they are hereby appointed commissioners, whose duty it shall be, within one year from the passage of this act, to open books and to receive subscription to the capital stock of said company or corporation, at such time or times, place or places, as they, or a majority of them may think proper, giving notice thereof at least twenty days prior to the opening of said books, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, to the president and directors of the Darlington Trading Company, ten dollars on each share to be paid annually until the whole amount hereby subscribed is fully paid and satisfied, which may be discharged in produce at its market value, except fifty cents on each share of stock hereby subscribed, which is to be paid in cash at the time the business of said corporation commences, witness our hands this day of , 18 ." That said book shall be

kept open as long as the said commissioners, or a majority of them, shall think proper, or until the sum of ten thousand dollars shall have been subscribed for.

SEC. 5. As soon as two hundred shares of said stock shall be taken, and ten dollars on each share paid to the commissioners, it shall be the duty of the said commissioners, or a majority of them, to give four weeks notice thereof in the newspaper printed and published in said county of Montgomery; and in such notice appoint a time and place for the stockholders to meet and elect five directors, and such election shall then and there be made by the stockholders, either in person or by proxy; each share of the capital shall entitle the owner to one vote, but no one person shall be entitled to more than fifty votes; and two or more of the said commissioners shall be inspectors of the first election of directors of said company, and shall certify, under their hands, the names of those duly elected by a plurality of votes given, and deliver over the subscription money and property, books and papers to said directors; and the time of holding the first meeting of the said directors shall be fixed by said commissioners.

SEC. 6. The first directors to be elected shall hold their office for one year, and until others are elected; and every election of directors thereafter shall be held annually, at such place as shall be fixed by the by-laws on the first Monday in May, in each and every year, notice of the same being given

in such manner as the by-laws shall direct; every election shall be held under the inspection of three stock holders, not being directors, who shall be previously appointed by the board of directors; all elections shall be by ballot, and a plurality of votes given, either personally or by proxy, shall constitute a choice; no stock holder shall be eligible to the office of director, unless he shall own at least to the amount of one hundred dollars of stock in the said corporation; in case an even number of votes shall be given for any two or more directors, the remainder of directors shall, by ballot, determine which of said persons so having an equal number of votes, shall be entitled to a seat at the board.

SEC. 7. That in case it should so happen that an election for directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be dissolved; but such election may be held at any other time directed by the by-laws of the corporation, within ninety days after the day on which it should have been held; and the directors shall continue to act until a new board shall be elected.

SEC. 8. That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, a secretary, and all other officers, superintendents and servants, that may be required to transact the business of the company, with such compensation as they may determine upon; and may exact from them such security for the due performance of their respective duties as they may think expedient; the said directors, before entering upon their duties, shall take an oath or affirmation to faithfully discharge their duties to the best of their skill and abilities; and as soon as convenient after their election, shall elect one of their number to be president of the board of directors, whose duty shall be defined by the by-laws of the corporation.

SEC. 9. That three directors of said corporation shall form a board, and they or a majority of them, shall be competent to transact all the business of the corporation.

SEC. 10. All bills, promissory notes, bonds, or other obligations, given or entered into by said corporation, shall be signed by the president, and countersigned by the secretary, and when thus executed, shall be of binding validity on said corporation.

SEC. 11. The said directors shall make out and keep a fair record of all the business transacted by them, or any person in their employ, so as to exhibit all the receipts and expenditures of the corporation in a book provided for that purpose; which book shall at all times be opened to the inspection of stock holders.

SEC. 12. Two thirds of the stockholders may, at a meeting called for that purpose, upon good cause shown, dismiss the directors, and hold an election for other directors, by giving three days notice in writing posted on the door of the store-house of the company.

SEC. 13. There shall be a dividend declared annually at such time as may be fixed by the by-laws, when each stockholder's share of dividend shall be credited on his bond until the same is paid, when the remaining dividend shall be subject to the will of the stockholders respectively, according to the number of shares owned by each person.

SEC. 14. At the expiration of the charter of the said corporation, each stockholder shall receive of the funds in proportion to the stock he has in the company.

SEC. 15. Two thirds of the stockholders may at any time annul this charter, and the directors shall then bring the business to a close as soon as a due regard to the interest of the corporation will admit; and the legislature may at any time amend or repeal this charter.

SEC. 16. And in case of a repeal of this charter by the Legislature, or its termination by two-thirds of the stockholders as provided in the fifteenth section of this act, the rights and effects of said corporation shall remain in the hands of the directors to be disposed of, and out of the proceeds thereof, the debts of said company shall first be paid, and the balance divided among the stockholders according to the amount of stock held by each.

SEC. 17. The transfer of stock in said corporation shall be recorded on the books of said company before the transfer shall be effectual.

SEC. 18. The private property of each stockholder shall be subject to the payment of all just debts of said corporation contracted during the time that he or she was or is a stockholder in proportion to the stock held in said company.

SEC. 19. This act shall be taken and received in all courts, and by all judges and magistrates and other persons, as a public act, and all printed copies of the same which shall be presented by, or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever.

SEC. 20. This act shall be in force from and after its passage, and may be published in the "Crawfordsville Review," at the option of the commissioners herein named, at the costs of said corporation.

CHAPTER XXII.

An Act to incorporate the German Lutheran and Reformed Church of the city of New Albany.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Peter Stein, Charles F. Linder, Jacob Ghelbach, and Martin Wolf, and their associates, be, and they are hereby constituted a body politic and corporate, with power of perpetual succession, to be known by the name of the "German Lutheran and Reformed Church of the city of New Albany," and by that name shall have power to sue and be sued, to form a constitution and adopt rules, regulations and by-laws, and the same to alter or abrogate at pleasure; to make and use a common seal; to have and hold real property to the value of ten thousand dollars and personal property to such amount as the convenience or exigencies of the society may require; and to do and perform all other acts and things necessary to carry this act into full and complete effect.

SEC. 2. The persons named in this act, shall act as trustees of said society, until said society shall adopt rules and regulations for their government, and provide for the election or appointment of such officers as they may deem necessary.

SEC. 3. The Legislature reserves to itself the right to amend, alter, or annul this act of incorporation at any time.

This act to be in force from and after its passage.

CHAPTER XXIII.

An act to amend an act therein named.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the nineteenth section of an act to incorporate the Indianapolis, Rushville and Brookville Turnpike Company, approved, Feb. 18th, 1839, be, and the same is hereby so amended, that it shall be lawful for said company to commence the construction of said road at any time previous to the expiration of the year 1849.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXIV.

An Act to amend an act entitled an act to incorporate the Hagerstown Canal Company, approved, Feb. 15th, 1841.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, in addition to the time allowed by said act for organizing said company and completing said canal, the Hagerstown Canal Company shall be allowed two additional years within which to become organized and commence operations, and two additional years within which to complete said canal.

SEC. 2. That all subscriptions of stock to said canal company, and all rights acquired by said company shall continue as perfect as though this act had never been passed, and said company had organized within the time prescribed by the act to which this an amendment.

SEC. 3. The commissioners named in the act to which this is an amendment, or a majority of them, shall have the right, if deemed expedient, at any time within five years after the passage of said act to open new books or the present books of said company to receive subscriptions of new or additional stock in said company, in the same manner as is prescribed in the act above named.

SEC. 4. That there shall hereafter be paid at the time of subscription therefor, by each subscriber, the sum of two dollars upon each share of stock, which payment shall authorize the subscriber therefor to exercise all the rights of a stockholder.

SEC. 5. So much of the act entitled "An act to incorporate the

Hagerstown Canal Company" as is by this act amended or supplied, be, and the same is hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER XXV.

An Act to repeal a part of the fifth section of an act entitled, "An act to incorporate the Indiana Iron Manufacturing Company," approved, January 20th, 1841.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That a part of an act entitled, "An act to incorporate the Indiana Iron Manufacturing Company," approved, Jan. 20th, 1841, to-wit: from the word "appoint" in the fifth line of the fifth section of the aforesaid act, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXVI.

An Act to incorporate the Muncietown Band of Musicians.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James L. Russey, Joshua R. Lockwood, O. H. P. Kennedy, Alexander Sackett, Mark Walling, Matthew W. Jack, F. E. Putnam, Godless Luik, E. J. Fisher, Enst Guenin, and their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate by the name and style of the Muncietown Band of Musicians, with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said band is hereby authorized and empowered to adopt a constitution, to make, establish and enforce such by-laws, rules and ordinances, under said constitution, as they may deem proper, not inconsistent with the constitution and laws of the United States and of the State of Indiana.

SEC. 3. Said band may make and appoint all officers necessary for the management and direction of the same, may regulate the manner of appointing or electing such officers, and their term of office, and make such rules and regulations for the reception or expulsion of members as they may deem proper.

SEC. 4. Said corporation may receive donations in money or property, and may hold the same, and devote the same to the purposes of the band, and may convey, alien, or sell any or all such property.

SEC. 5. This act to take effect and be in force from and after its passage, and shall be subject to amendment or repeal at the pleasure of the Legislature.

CHAPTER XXVII.

An Act to amend an act entitled "an act incorporating the town of Terre Haute," approved, February 17, 1838, and "an act amendatory thereto," approved, February 16, 1839.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of Mayor of the town of Terre Haute be, and the same is hereby abolished, and that all acts and parts of acts providing for the election of a Mayor of said town, and defining his powers and duties be, and the same are hereby repealed; and that it shall be the duty of the Mayor of said town within thirty days after the passage of this act to deposit his docket and all the papers, properly appertaining thereto, with some justice of the peace in said town, and it shall be his further duty to deposit the seal of said town, and all maps, surveys, and other papers belonging to the town, with the president of the common council, who shall take charge of the same, and who shall also perform such other duties in relation to the general supervision of the business of said town as has been heretofore performed by the Mayor.

SEC. 2. *Be it further enacted*, That all such portions of the above recited acts as authorize the Marshal of said town to serve process in civil cases, and all that portion which authorizes the common council to borrow money, be, and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXVIII.

An Act to revive and amend an act entitled an act to incorporate the Crawford county, Seminary, approved, February 7, 1835.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters living in the county of Crawford, are hereby authorized to elect at their next April election, and triennially thereafter, one seminary trustee in each township in said county, who shall severally hold their office for the term of three years, and until their successors are chosen and qualified.

SEC. 2. In case of vacancy by neglect to elect, refusal to serve, resignation, death, or otherwise, of any one or more of said trustees, it shall be the duty of the boards doing county business, to fill such vacancy by appointment until the next April election, at which time the said vacancy shall be filled by the qualified voters in the township where the same occurred.

SEC. 3. Said trustees when so elected or appointed, shall be governed in all respects by the act to which this is an amendment, and the several acts amendatory thereunto, all of which are hereby revived, except so much of the above recited act as comes within the purview of this act, be, and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State, forthwith to transmit a certified copy of the same to the clerk of the Crawford circuit court.

CHAPTER XXIX.

An Act to incorporate the Tippecanoe Academy.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George W. Stacey, Pleasant Grubb, William G. Tevault, James Hall and Albert Bass, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of the trustees of the Tippecanoe Academy, and by that name and style shall have perpetual succession, with full power to contract and be contracted with, sue and be sued, plead and be impleaded in their incorporate name in any court of law or equity, in the United States; and shall have and use a common seal, and alter the same at pleasure.

SEC. 2. The said trustees, and their successors in office, shall have pow-

er to receive any subscriptions, gifts, grants, donations and bequests for the sole use and benefit of said academy; a subscription of five dollars shall constitute a member of said corporation, and entitle to vote for trustees.

SEC. 3. There shall be annually elected by the subscribers and donors, from among themselves five trustees, on the first Monday in May, who shall elect one of their body president, who shall preside at all meetings of the trustees; the trustees shall also appoint a secretary and treasurer, but the treasurer shall not be one of their own body.

SEC. 4. The said trustees shall have power to meet as often as they may deem necessary, under such rules and regulations as they may adopt; the first meeting of said trustees shall be in the town of Monoquit, Kosciusko county, at such time as a majority may agree on, and make all by-laws, rules and regulations for the government of said society, that they may deem necessary, and enforce the same.

SEC. 5. The said trustees shall appoint or elect, as they may enact, all officers, instructors and agents, that they may deem necessary for the benefit of said institution, and receive all and any conveyances of land to them as such body corporate, for a suitable site in or adjacent to the town of Monoquit, for the purpose of erecting buildings for said academy.

SEC. 6. The treasurer shall give bond and security in such sum as the trustees may direct and order; the treasurer shall have the safe keeping of all the effects of said society; the said treasurer shall not pay out any money or effects, only by the order of the board of trustees; which order shall be entered on the books, and signed by the president and countersigned by the secretary.

SEC. 7. The said trustees shall furnish suitable books, in which all their proceedings shall be recorded, and at each meeting the whole proceedings shall be drawn up and signed by the president and secretary; a majority of the whole number of trustees shall be necessary to form a quorum to do business; all officers shall be qualified by taking an oath of office; the trustees shall remain in office until their successors are elected and qualified.

SEC. 8. The above named trustees shall be judges at the first election, and their successors at all elections thereafter; [ten days] notice shall be given of all annual elections, and in case of failure to elect on the first Monday of May, said trustees shall immediately appoint another day for said election within fifteen days, and give notice thereof.

SEC. 9. The said trustees shall open books for subscription of stock, by gifts, grants, donations, contracts and bequests, and authorize any agent to receive the same, and issue certificates of the evidence of stock according to the manner the same may be subscribed; and make such investment of the stock, in their by-laws, as they may deem best for the promotion of said institution; and sell certificates of scholarship on such terms, and for such amounts as they think best.

SEC. 10. This act to take effect and be in force from and after its passage; and the Legislature reserves the power to alter or amend this act at pleasure.

CHAPTER XXX.

An Act supplemental to an act entitled "an act to incorporate the town of Centreville Wayne county, Indiana," approved, January 31, 1834.

[APPROVED JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of said corporation shall (in addition to their powers granted by said charter) have power annually to levy and collect a poll tax off of each male inhabitant residing within the limits of said corporation, between the ages of twenty-one and fifty years, not exceeding one dollar each, at the discretion of the board.

SEC. 2. Said president and trustees may, at their discretion, impose and collect a tax off of all auctioneers who make a business of selling horses, cattle, or goods of any description at public auction within the limits of the corporation, not exceeding five dollars per annum, or three dollars for every six months as they may direct by their by-laws and ordinances.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXXI.

An Act amendatory to an act entitled, An act to incorporate the town of Cambridge City. app. Feb. 12th, 1841.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the word "July" in the third line of the fourteenth section of said act, be, and the same is hereby repealed, and the word "December" is hereby substituted; also the word "September" in the third line of the eighteenth section of said act is hereby repealed and the word "February" substituted.

SEC. 2. The treasurer of said corporation shall have time to collect and pay over all taxes levied for said corporation for the year 1842, until the first day of July, 1843, and be governed in all things appertaining thereto, the same as though the original charter gave until that time for such return to be made.

CHAPTER XXXII.

An Act to amend an act entitled, "An act to incorporate the Wayne, Union and Randolph Turnpike Company, and the Union and Wayne Turnpike Company," approved, January 24th, 1842.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the words "their own credit" where it occurs in the ninth and tenth lines of the sixth section of the act referred to in the title of this bill, be, and the same are hereby repealed; and that the words "the credit of the corporation" be, and are hereby substituted in their stead.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXIII.

An Act amendatory to an act entitled "An act to incorporate the St. Joseph Iron Company," app. Jan. 22d, 1835.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That while the St. Joseph Iron Company shall keep the lock, by them heretofore constructed, in good repair, and furnish a sufficient number of hands to attend to the same, neither the members of said company nor any person in their employment shall be liable to the penalties of the forty-second section of "An act relative to crime and punishment," approved, February 10th 1831; nor to indictment or prosecution under the same, for, or by reason of the erection or continuance of said dam or lock, or any part of them, or either of them, nor shall any action on the case be commenced in any court of this State by any person or persons against the said company or any member thereof, or any person in the employment of said company to recover any damages alleged to have been sustained by reason of the erection or continuance of said dam or lock or any part of them, while the said company shall continue to keep said lock in repair and furnish a sufficient supply of hands to attend the same, according to the provisions of the act to which this is an amendment: *Provided, also*, that if, at any time, said lock shall be out of repair from any cause without the control of said company, and without fault on their part, the said company shall have a reasonable time to repair, and, during all the time thus necessarily oc-

cupied in such repairs, the privileges of this amendment shall extend to them.

SEC. 2. That the private property of any person or persons, holding stock in said company, shall only be subject to execution for any liability incurred by said company during the time which such stock is held, and then only in a just proportion which the stock he may own shall bear to such liability, and not otherwise. This amendment may be amended or repealed, at any time, at the pleasure of any subsequent Legislature.

SEC. 3. This act to be in force from and after its passage, and publication in the "Mishawaka Tocsin," at the expense of the company; and it is made the duty of the Secretary of State to forward a certified copy thereof to the editor of that paper.

CHAPTER XXXIV.

An Act to amend an act entitled, An act to incorporate the Buffalo and Mississippi Railroad Company.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all elections heretofore holden by said company for officers thereof, be, and the same are hereby legalized.

SEC. 2. The books and recorded proceedings of said company and the officers thereof, may be used and read in evidence before any justice of the peace or in any court of record in any and all cases wherein said company shall be a party, and shall be *prima facie* evidence of the matters therein contained.

SEC. 3. This act to take effect from and after its passage.

CHAPTER XXXV.

An Act to incorporate the President and Trustees of the Evansville Female Seminary.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Shanklin, John Mitchell, Amos Clark, C. G. Battell, Samuel Orr, Daniel Woolsey, G. R. Barnes, and their successors in office, are hereby constituted a body politic and corporate,

by the style and name of "The President and trustees of the Evansville Female Seminary," with power to sue and be sued, plead and be impleaded, contract and be contracted with, take and hold estate, real, personal, or mixed, by gift, grant, contract, devise, bequest or otherwise; to have perpetual succession and a common seal of their own devising.

SEC. 2. The said trustees shall each have power to elect their successor in office, and in case of neglect so to do, the body shall have power to fill any vacancies thus occurring, at any meeting duly called for that purpose.

SEC. 3. The said trustees shall hold their first meeting on the second Monday of March next, after the passing of this act, at the seminary buildings, in Evansville, at three o'clock P. M.; five shall be a quorum, who shall there proceed to elect a president, secretary, and treasurer, and adopt such by-laws and regulations as they shall deem suitable for the seminary.

SEC. 4. At any subsequent meeting duly notified, three shall constitute a quorum, with power to transact any business necessary for the welfare of the institution.

SEC. 5. The trustees shall have power to prescribe such a course of study, as to them shall seem proper to secure a high standard of education; and may under their common seal, confer upon the pupils of the seminary such diplomas, certificates, or testimonials, as shall signify their proficiency in learning and their meritorious standing.

This act shall be in force from and after its passage.

CHAPTER XXXVI.

An Act to amend an act entitled an act to incorporate the Perry county Seminary, approved, January 30, 1834.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the number of trustees to the Perry county Seminary shall be only five in number, instead of seven, as contemplated by the fifteenth section of the act to which this is an amendment.

SEC. 2. *And be it further enacted,* That the twenty-third section of the act to which this is an amendment, be, and the same is hereby repealed.

SEC. 3. This act to [take] effect and be in force from and after its passage.

CHAPTER XXXVII.

An Act to amend an act entitled an act to incorporate the New Albany Patent Bagging Manufacturing Company. Approved, January 29th, 1842.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the individual and private property, both real and personal, of each stockholder, shall be subject and liable to execution for all contracts, debts and liabilities made or entered into by said corporation, at any time during which any and every such person or persons may have held stock in said corporation: *Provided,* that all the property of said corporation shall be first exhausted before the private property of the individual stock holder shall be liable.

SEC. 2. That whenever an execution against the corporation shall be returned not satisfied, for want of goods or chattels, lands or tenements, whereon to levy, it shall be lawful for the execution plaintiff to sue out in writ of *scire facias*, or summons against any person or persons who were stock holders in said corporation at the time such liability was contracted, commanding him to appear in the court where such judgment may have been rendered, to show cause if any he can, why judgment should not be rendered against him for the amount of such judgment, interest and costs.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act to incorporate the Marion Band in Grant county

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jefferson S. S. D. Cary, William B. Hodge, Oliver H. P. Cary, James N. Cary, John W. Goldthait, [Oliver Goldthait,] John Parkes, James R. Mills, Jacob Whisler, Henry H. Geller and Jeremiah Hany, together with such other persons as with their consent associate themselves with the persons above named, for the purpose of forming a musical band in the town of Marion, Grant county, Indiana, be, and the same are hereby constituted a body politic and corporate, by the name and style of the Marion mechanic's band, shall have power to sue and be sued, to defend and be defended in any and all courts in this State.

SEC. 2. And such band shall elect such officers as the members thereof may deem necessary for the correct management of their business, and as may be prescribed in the by-laws which they may adopt.

SEC. 3. The band shall have full power at any of its meetings to enact such by-laws as may be necessary to carry out the objects of this institution, and to inflict such forfeitures and penalties as may be necessary to enforce

and carry them into effect, not inconsistent with the constitution of the United States or of this State.

SEC. 4. Said band may receive additional members upon such terms, and in such manner as shall be pointed out by its by-laws, and may receive donations in money, property, or musical instruments, and hold and use the same as the property of the band.

SEC. 5. Said band may at any time make up a capital stock of not exceeding five thousand dollars, in shares of five dollars each; which stock may be invested in real or personal property, or both, as may be deemed proper by said band, which shall be transferable, and may be applied to the purchase of books, musical instruments, and such other articles of property as may be necessary to effect the object of the institution.

SEC. 6. The band may be dissolved by a vote of two thirds of the members, and the property, in case of dissolution, be disposed of or divided in such manner as two thirds may direct.

SEC. 7. The provisions of this act shall be subject to alteration or repeal at any time hereafter; the property, in case of repeal, shall be distributed among the stockholders of the company according to their respective right.

SEC. 8. That no member of said corporation shall sell his interest in said company, until he shall first offer the same to said band at a fair and reasonable price; and no person purchasing the same shall be entitled to the benefits and privileges thereof, until he is first regularly admitted a member according to the by-laws of said company.

SEC. 9. The stock holders in said corporation shall be individually liable in a just ratio or proportion of the amount of stock held or subscribed, for all debts incurred or created during their said possession of said stock: *Provided*, that the property and effects of the corporation shall first have been disposed of to satisfy the debts incurred or created by said corporation.

SEC. 10. This act to be in force from and after its passage.

CHAPTER XXXIX.

An Act incorporating the Greensburgh Band.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob W. Mills, Robert Church, Squier W. Robinson, Peter M'Charge, Calvin Moore, James M'Cormack, Orville Thomson, Daniel Stewart, and Lafayette Freeman, of the county of Decatur, and state of Indiana, and their associates and successors, be, and they are hereby constituted and declared to be a body corporate and politic, by the name and style of the Greensburgh Band, and by that name shall have perpetual succession, with full power and authority to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law and equity in this state; to make, use, and have a common seal, and the same to alter

at pleasure; they shall have power to elect their own officers, to adopt a constitution, to make, ordain, establish and enforce such by-laws, rules, and ordinances under such constitution, as they may deem proper, not inconsistent with the constitution and laws of this state, or of the United States.

SEC. 2. It shall be the duty of the members of said band, or of any person who may hereafter become a member of said band, to attend the meetings of said band when met together for any lawful purpose, or for the transaction of any lawful business whatever; and should any member absent himself, the said band or company shall have power to assess and collect a fine, not exceeding three dollars for any one offence, unless the said delinquent can show just cause to the satisfaction of the majority of said band for to excuse said delinquency.

SEC. 3. That it shall and may be lawful for said band when met for that purpose, to adopt, by a vote of a majority, a badge or uniform to be worn by its members on all or any occasion whatever, and any member who shall appear on such occasions without the uniform or badge, and with his proper instrument in proper order, and being unable to render an excuse to the satisfaction of a majority of said band for such delinquency, said band shall have a right to assess and collect from such delinquent, a fine not exceeding five dollars for such offence.

SEC. 4. The band shall have power to expel, or to punish by fine not to exceed five dollars, any of its members who shall, on any occasion, when the band is met for the transaction of any lawful business, be guilty of any disorderly, immoral, or ungentlemanly conduct; all fines collected by said company or band, shall be for the exclusive use of the same, and may be expended in procuring instruments, or pieces of music for said band, or in the payment of a teacher, as may be determined by said band.

SEC. 5. At all meetings of the band for the purpose of transacting business, the president shall keep good order, and put all questions for the decision of the band, and shall have the right to vote on any question as any other member; in the absence of the president, the vice president shall discharge the duties of president; and if at any meeting, the president and vice president shall both be absent, they shall elect a president *pro tem.*; the secretary shall attend their meetings and keep a record of their proceedings, and in his absence they may appoint a secretary *pro tem.*

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER XL.

An Act to amend an act entitled "an act to incorporate the Mount Carmel and New Albany Railroad Company, approved, February 4, 1837."

[APPROVED, FEBRUARY 6, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time for commencing the New Albany and Mount Carmel Railroad be, and the same is hereby extended to the first day of January, 1851.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XLI.

An Act authorizing a company to construct a Railroad from Muncietown, to Fort Wayne.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of an act entitled "an act to provide for the continuance of the construction of all or any part of the public works of this state by private companies," approved, January 28th, 1842, be, and the same are hereby extended to any company that may associate themselves together for the purpose of constructing a Railroad from Muncietown to Fort Wayne, so far as the same may be applicable; and the company so constituted shall be known by the name of the Muncietown and Fort Wayne Railroad Company; provided, that said road shall not be considered as forming any part of the system of public works of this state.

SEC. 2. All acts heretofore passed on this subject are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XLII.

An Act to provide for the construction of a Railway in Laporte county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the provisions of an act entitled, "and act to provide for the continuance of the construction of all or any part of the public works of this State by private companies and for abolishing the board of internal improvements and the offices of Fund Commissioner and Chief Engineer," approved, January 28th, 1842, which may be applicable thereto, and which may be necessary for the purposes of the incorporation of a company, and the construction of the railroad hereinafter mentioned, be, and the same are hereby extended to any association or company that may, after the passage of this act, be formed in the county of Laporte, to construct a railway, from Michigan city to the town of Laporte, or as much further eastward as said association or company may see proper to extend said railway.

SEC. 2. That the subscription to the stock in said company shall be made, and the directors of the same elected, in the same manner as is provided for and directed in said act, except that all publications in newspapers necessary to be made under said act shall be made in one or more newspapers in Laporte county, and not otherwise.

SEC. 3. As soon as the sum of two thousand dollars in value, either of money, labor, land, or materials for construction, shall be subscribed as the capital stock of said association, and the same shall be paid or transferred or secured to be paid to the commissioners to receive the subscriptions, the said commissioners shall order an election of directors of said company, to be held in the same manner as is provided for, and directed by, the act aforesaid.

SEC. 4. Subscriptions to the capital stock of said company may be made either in money, labor, real estate, or materials proper for the construction of the road, and all subscriptions in labor shall be made at a value in money, and shall be secured to be paid either in labor or its value in money, to the satisfaction of the commissioners or directors receiving the same: *Provided,* that no county shall subscribe for any part of said capital stock.

SEC. 5. The said board of directors, when organized, and the said company thereafter, shall have all the power and authority for the construction of said railway, and the using and owning the same and the charging tolls thereon, and the government thereof, which is, by the said act conferred upon and granted to associations or companies organized under the act aforesaid, and shall therein be governed by all the provisions of said act applicable to the purpose

contemplated: *Provided*, that this charter may be amended or repealed at any time by a majority of the Legislature.

SEC. 6 That before the association or company, authorized by this act, shall proceed to construct said road, the present value of the work, labor, grading and improvement done by the Buffalo and Mississippi Railroad Company in the location and construction of a railway between Laporte and Michigan City, shall be estimated by some competent engineer, at the joint expense of both of said companies, and the company hereby authorized shall be required to pay to said Buffalo and Mississippi Railroad Company, the appraised value thereof in the scrip heretofore issued and now out and unpaid, by said Buffalo and Mississippi Railroad Company; and if the said last named company shall refuse to receive the same, then the said association hereby created, may proceed to the construction of the said railway without any payment or reference to said Buffalo and Mississippi Railroad Company whatever, not interfering with any existing rights of said last named company.

SEC. 7. This act to be in force from and after its passage.

CHAPTER XLIII.

An Act concerning State Roads

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Buckallew of the county of Clay, Daniel Wood and James Wilson of the county of Sullivan, are appointed commissioners to view, mark and locate a State road from New Brunswick in Clay county *via* Daniel Woods and Mahons Mills, in Sullivan county, thence to intersect the new State road leading to the narrows of the Wabash river, at or near a point on the Jackson township line in the said county of Sullivan.

SEC. 2. That Job Gardner of Carroll county, Thomas Cooper of Hamilton county, and James Abrams of Clinton county, are appointed commissioners to locate a State road as follows: at or near the forks of Honey creek, at the State road leading from Muncietown in Delaware county, to Delphi in Carroll county, in section fourteen, township twenty-three, north of range two east, thence the nearest and best route, so as to cross the State road leading from Clarkstown in Boone county, to Peru in Miami county, at Thomas Coopers, in section thirty-five, in township twenty-one, north of range three east, thence to intersect the Strawtown and Lafayette State road at or near Geo. Restines in section twenty-five, in township twenty, north of range three east.

SEC. 3. That Henry Strickler of the county of Wabash, be, and he is hereby appointed a commissioner to view, mark and locate a State road in said county, commencing at the court house in the town of Wabash, running

thence in a direction a little east of north upon the line of the Wabash and Manchester county road, until it intersects the range line dividing range six and seven, thence following said range line north as closely as the choice of the ground will admit, to the point where said range line is intersected by the Lagro and Goshen State road.

SEC. 4. That Stephen Schoonover, Lemuel W. Joiner and David Buckwatter are appointed commissioners to view, mark and relocate a part of the State road leading from Crawfordsville to Williamsport, to commence either at the point where said road intersects the road leading from Robroy to Attica, in Mrs. Nave's lane in Fountain county, south of her house, or where said road leaves the Robroy and Attica road north of her house, as they may deem most expedient, from thence to the nearest and best way to the east end of Main street in the town of Williamsport in Warren county.

SEC. 5. That Peter Harper, William Lee and Benjamin Pecket of the county of Switzerland are appointed commissioners to mark, locate and establish a State road, beginning where the Ross township road intersects the road leading from Madison to Lawrenceburgh, thence a northwesterly course by way of Willey's chapel to the State road leading from New York in said county of Switzerland to Versailles in Ripley county, at or near the farm of Lemuel Willey.

SEC. 6. Said road to be located on the nearest and best route, having due regard to private property, and wherever the same can be done conveniently, said road shall be laid upon section lines, or other lines dividing lands: *Provided*, the same does not materially increase the distance; said road when so located, shall be opened any width not exceeding thirty feet, and be worked as other roads and highways in said county.

SEC. 7. That Nathan Burchfield of the county of Clay, and Norman Holt of the county of Owen, are appointed commissioners to view, mark and locate a State road from Bowlinggreen in Clay county, to the line dividing the counties of Clay and Owen, at or near the corners of sections number fourteen, fifteen, ten and eleven, in township number eleven, north of range five west, south of William Nees's mill, thence the nearest and best route to Valentine Cray's mill, thence to the line dividing the counties of Owen and Putnam, so as to intersect the road leading to Cloverdale in Putnam county.

SEC. 8. Zimri Utter, Daniel Colman of the county of Fayette, and William Potts of the county of Franklin, are appointed commissioners to view, mark and locate a State road, commencing at the farm of Lewis B. Tupper in Fayette county, so as to intersect the road leading from Fayetteville to Columbia in said county, thence down Garrison creek upon the most suitable and direct route to Horatio Burgoine's mill, from thence, to Laurel in Franklin county, upon the most suitable and direct route, having due regard to private property, as well as public good.

SEC. 9. That Samuel Mahon of the county of Huntington, John Comstock of the county of Wabash, and John K. Evans of the county of Adams, are appointed commissioners to view, mark and locate a State road, commencing at Decatur in Adams county, and running thence on the nearest and most eligible route to strike the Wabash and Erie canal in section number twenty-seven, town twenty-nine north, range ten east, thence on the nearest and best route to Liberty mills in Wabash county.

SEC. 10. That John Hively of Whitley county, and Joel Bristol of Noble county, are appointed commissioners to locate a state road, commencing at the northeast corner of the public square in the

town of Columbia, in the said county of Whitley, from thence the nearest and best way to a county road at John Engles, in the said county of Whitley, thence on said road to the north line of Whitley county, thence the nearest and best way to Augusta, the county seat of Noble county.

SEC. 11. The following road surveyed by W. T. Holman, is hereby declared a state road: Commencing at the south end of Broadway in the town of Peru, in the county of Miami, and thence running by indirect courses to the centre of section three, in township twenty-six north, of range four east, thence south through the centre of sections three, ten, fifteen, twenty-two and twenty-seven, until it intersects the road leading from Strawtown to Miamisport.

SEC. 12. That John Egbert and John Droliner, of St. Joseph county, are hereby authorized and required to view, mark, and lay out a state road, commencing at a state road in the village of Independence in said county, thence running northeastwardly to a stake between sections fourteen and fifteen, in township thirty-seven north, of range one west, and thence northward on said section to New Carlisle, and northward to the north line of the State, and to intersect a road on said state line, leading to the town of New Buffalo.

SEC. 13. That John Wood of the county of Lake, and Wilson Malone of the county of Porter, are appointed commissioners to view, mark and locate a state road, to commence on the state road leading from Valparaiso to Crown Point, and on section No. twenty-four, in township No. thirty-five north, of range No. seven west, in the Laporte land district (now, Winamac) thence to run westwardly to Wood's mill in Lake county, and thence northwestwardly in a direction towards Chicago, and upon the nearest and best route to the state line of Illinois, and terminating at said state line, if possible, in some public road leading to Chicago.

SEC. 14. That George W. Spitler of the county of Jasper, Benjamin Reynolds of the county of White, and George Merkle of the county of Carroll, are appointed commissioners to locate a state road, commencing at the town of Pittsburgh in the county of Carroll, and from thence to Sheets' mills on Tippecanoe river, thence by the way of Benjamin Reynolds in White county, to section thirty-six, in township twenty-eight, range six west, thence the nearest and best way to Ransselaer in the county of Jasper.

SEC. 15. That Thomas Shercliffe of the county of Daviess, Selden C. Fish of the county of Martin, and Jeremiah Wilson of the county of Orange, are authorized and directed to survey, mark and locate a state road from Washington in Daviess county, by the Doherty shoals in Martin county, to Little Orleans in Orange county.

SEC. 16. That Hiram Calvert of the county of Cass, Solomon Holmon of the county of Miami, and John Fisher of the county of Clinton, are appointed commissioners to view, mark, and locate a state road, commencing at Michigantown, in Clinton county, and running thence on the nearest and best ground to Peru, in Miami county.

SEC. 17. That Abraham H. Dawson of the county of Marion be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at the National road, at Nathaniel Bolton's tavern, in Marion county, thence with the county road by Harding's mill, thence northwardly to cross the Lafayette state road at James McVey's, thence with the county road to Isaac Sweeney's, in Boone county, thence to Dye's Mill on Eagle Creek, thence to Eagle Village.

SEC. 18. That the county road commencing at Liberty mills in Wabash county, and running north-west to Michael Knoop's farm, from thence to the south-west corner of section seventeen, in township thirty north, in range seven east, thence west on the county line, which separates Wabash from Kosciusko county, to that point where said county line intersects the state road leading from Logansport, to the county seat of Noble county, is hereby declared a state road, and the commissioners of said counties are hereby authorized to have said road opened, not exceeding sixty feet in width.

SEC. 19. That John Beckley and George D. Washburn, of the county of Cass; and Robert Beattie of the county of Fulton, are appointed commissioners to view, mark, and locate a state road from Alexander Seawright's mills, in Jefferson township, Cass county, to the Logansport and Chicago state road, forty rods east of the ten mile post, thence [on] the nearest and best ground to little Indian creek bridge, and thence the nearest and best way to Rochester, in Fulton county.

SEC. 20. That the board doing county business in the county of Jay, be, and they are hereby authorized upon application being made by petition, according to law, for the establishment of any county road, in said county, upon a section line, to order the same opened and kept in repair, without the appointment of viewers to locate the same: *Provided*, that a majority of the resident owners of land adjoining said proposed road, shall petition for the same.

SEC. 21. That the county line dividing the counties of Jay and Randolph, be, and the same is hereby [declared] a state road as follows, to-wit: Commencing thereon at the Ohio state line, thence running west on said county line until it intersects a state road running westwardly; and it shall be the duty of the boards doing county business in the said counties, respectively, to order, (upon their records) the said road to be opened by the supervisors of the road districts bordering on said line, any width not exceeding fifty feet; to be opened and kept in repair as, by law, is now provided for roads running on county lines.

SEC. 22. That Michael Minnick and Samuel Jones of the county of Huntington, and Michael English of the county of Wabash, are appointed commissioners to view, mark and locate a state road, to commence at Lagro in the county of Wabash, thence running up the north side of the Salamonina river to the town of Menginica, on the nearest and most suitable ground, thence to Daniel James', thence on the nearest and best ground, so as to cross said river at the island

above Abraham Nordyke's farm, in section thirty-two, township twenty-seven north, of range nine east, thence to cross said river again at David Shearer's ford, thence to New Lancaster so as to run through main street, thence to the half mile stake in section three, in township twenty-six north, of range nine east, from thence to Warren in Huntington county, on the nearest and most suitable ground.

SEC. 23. That Jesse Vermylia of the county of Allen, Thomas T. Smith of the county of Wells, and William Phelps of the county of Huntington, are appointed commissioners to view, mark and locate a state road from Bluffton, Wells county, on the nearest and best route, by way of Lancaster to intersect the state road leading from Fort Wayne to Logansport, at or near Raccoon Village.

SEC. 24. That D. W. Miller, Henry Castleman and Isaac Sleeter of the county of Allen, are appointed commissioners to view, mark and locate a state road to commence at a point on the line dividing Indiana and Ohio where the road leading from Bellefontaine, Ohio, to the Indiana state line terminates, and run thence, on the most eligible route, to Fort Wayne. And it is hereby made the duty of the several supervisors in congressional township number ten, in ranges fourteen and fifteen east, to apply all moneys that may come into their hands from non-resident land tax, or otherwise, to the opening and improving said road.

SEC. 25. That the board doing county business in the county of Marshall, may, if it is thought expedient so to do, appoint commissioners whose duty it shall be to re-locate the State road leading from Plymouth in said county of Marshall, to Leeburg in the county of Kosciusko; which re-location or alteration shall be made as the said board of commissioners may direct: *Provided*, said commissioners shall not have power to alter that part of said road which lies in the county of Kosciusko.

SEC. 26. That James Gaddis of the county of Clinton, and Thomas Wright of the county of Carroll, are appointed commissioners to view, mark and locate a state road from Rossville in Clinton county, to Prince William in Carroll county.

SEC. 27. That so much of the State road leading from the Michigan road to Heaton's mill, in Tippecanoe county, as is located between Elisha Rogers's land, where the said road crosses the Lafayette and Frankford State road and the county line between Clinton and Tippecanoe counties, be, and the same is hereby vacated.

SEC. 28. That William Cochran of Lagrange county, Edmond Wright of Steuben county, William Beek of DeKalb county, are appointed commissioners to view, mark and locate a State road from Cochran's mill in Lagrange county, to Solomon Showers, from thence to Auburn in DeKalb county.

SEC. 29. That Benjamin Goodwin and Elijah Chapman of the county of Daviess, are appointed commissioners to view, mark and locate a State road in the said county of Daviess, beginning at or near Abraham Wise's, from thence on the line dividing the lands of Kenneth D. Wise and Enoch Davis, on the nearest and best ground to intersect the State road from Portersville in Dubois county, to Mount Pleasant in Martin county, at James Alford's in said county of Daviess, by way of O'Connellsville.

SEC. 30. That Willard Samson, Patrick Logan and Niles Gregory of the

county of Marshall, are appointed commissioners to re-locate the Plymouth and Warsaw State road, if in their opinion the public interest require such re-location; commencing at the east line of section number two (2) in township number thirty-three, (33) north of range number three (3) east, running thence in a southwestern direction, to the south west corner of said section, thence west one mile, thence in a north western direction on the most practicable route.

SEC. 31. That William F. Beavers of Lagrange county, John Lewis Stanbarger and Abraham Brown of Noble county, are appointed commissioners to view, mark and locate a state road from the forks of the road near Isaac Tibbets in Noble county, on the nearest and best ground to the county site [seat] of Lagrange county.

SEC. 32. That A. L. Bladgrave of the county of Dubois, Ezekiel Rutherford and William B. Pine of the county of Martin, are appointed commissioners to view, mark and locate a State road from Haysville in the county of Dubois by the way of Pine's mill to Hindostan in the county of Martin.

SEC. 33. That the report and proceedings of John Sellers, a commissioner appointed to locate a certain State road in the county of Wabash, under the provisions of an act approved February 17th, 1838, be, and the same are hereby legalized.

SEC. 34. That John H. Faurote, Joel Palmer, and Samuel D. Owen, of the county of Franklin, are hereby appointed commissioners to review and locate that part of the state road, leading from Laurel to Bloomingrove, in said county, which lies between White Water river and Jesse Doctorman's farm on said road, and if a majority of said commissioners should deem that the public good required any change in said road, to report such change to the proper authorities according to the provisions of this act.

SEC. 35. That James B. Matlock, of the county of Wabash, is hereby appointed commissioner to view, mark, and locate a state road from Wabashtown, in said county, on the nearest and most practicable ground to the town of Noblesville, in Hamilton county, or so far as to intersect the State road leading from Peru to Noblesville, which is left discretionary with said commissioner.

SEC. 36. That Wm. S. Brockway of the county of Parke, is hereby appointed a commissioner to view, mark, and locate a state road, commencing at or near Lurk's mill, on Sugar creek, in Park county, running thence west to Felson's ferry on the Wabash river; thence to intersect the state road leading from Newport, to Eugene in Vermillion county, at a point on said road, at or near Simeon Dickens.

SEC. 37. That the act heretofore passed, establishing a state road from Corydon to the Ohio river, opposite the mouth of Salt river be, and the same is hereby revived and declared to be in full force.

SEC. 38. That all that part of the Benton and Bristol state road, as lies between Benton and the Goshen and Lima state road be, and the same is hereby vacated.

SEC. 39. That John Classer is hereby appointed commissioner, to act as such under the provisions of an act entitled "an act for the location of a certain state road therein named, approved, January 31st, 1842."

SEC. 40. That Edward Barnett, of the county of Putnam, and John Lewis, and John M. Dyer, of the county of Clay, are appointed commissioners to view, mark, and locate a state road commencing at Pleasant Garden, in Putnam county, thence with the county road to Barnett's mill; thence with said county road to a suitable point on said road near Belks, in said county; thence the nearest and best route to Oliver Cromwell's mill in Clay county, thence on the most practicable route to Zenor's mill on Burch creek, in said county; thence on the best route to Lockport, in Vigo county; and that John C. Faxworthy, Felix Beard, and Ephraim P. Keester, of the county of Vigo, are appointed commissioners to extend the view and location of said state road from Lockport, to Middletown.

SEC. 41. That John Kellums, and John Cave, of Dubois county; and William Stewart of Orange county, be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at Newton Stewart's in Orange county, *via* Knoxville, in Dubois county, to intersect the Paoli and Petersburg state road, at or near Absalom Harbison's, in said county of Dubois.

SEC. 42. That John P. Daviess and James Jones of the county of Martin, and Henry Damewood of the county of Dubois, are appointed commissioners to view, mark and locate a state road, commencing at the town of Natchez in Martin county, thence to Baker's old mills in said county, thence to intersect the state road leading from Paoli in Orange county to Jasper in Dubois county, at or near the farm of Lemmon Simmons.

SEC. 43. That James Horsey and Robert Green of the county of Martin, and George R. Proctor of the county of Lawrence, are appointed commissioners to view, mark and locate a state road commencing at Daugherty's shoal on White river in Martin county, running thence to James Johnson's in Lawrence county, thence to Brantsville in said county, and thence to Hugh and T. Hamer's mill.

SEC. 44. That David B. Abbott, Gideon Sage and Morton Craig of the county of Ripley, are appointed commissioners to view, mark and locate a state road in said county of Ripley, commencing at the town of Milan, in said county, and running west by Pratt's mill to the town of Napoleon in the said county of Ripley, upon the most suitable and direct route, having due regard to private property as well as to public good, taking into consideration the labor already done on the present county road running in that direction.

SEC. 45. That Isaac Hadden of the county of Putnam, and James Dorsett of the county of Morgan, are appointed commissioners to view, mark and locate a state road in said counties, commencing at Cloverdale in Putnam county, and running east upon the nearest and best way to Randolph Reed's sawmill, in the said county of Putnam, thence the nearest and best way to a stake one fourth mile south in the northeast corner of section nineteen, township thirteen north, of range two west, in Morgan county, thence east upon a straight line to the bridge over Mill creek, there to intersect the state road leading from Gosport to Stilesville.

SEC. 46. That Samuel M. Dyer of the county of Clay, George McIntosh of the county of Putnam, and Abel Hix of the county of Owen, are appointed commissioners to view, mark and locate a state road, from Spencer in Owen county, to Poland in Clay county, and from thence to Manhattan in Putnam county in lieu of the commissioners appointed by an act entitled, "An act declaring a county road a state road in the counties of Orange, Clay and Putnam," approved, January 29th, 1842.

SEC. 47. That Joseph Logan of the county of Wells, and Nicholas Friend of the county of Huntington, are appointed commissioners to view, mark and locate a state road, commencing at the town of Murray, on the Wabash river, in the county of Wells, thence in a right line, as near as may be, to the mouth of Longloy, (or Bee creek) on little river near Dickey's lock, on the Wabash and Erie canal, thence in a westerly direction until it intersects the state road running north from Huntington county seat to Goshen.

SEC. 48. That Stephen Martin, junior, of the county of Whitley, Ross Rowand and John Picket of the county of Noble, are appointed commissioners to view, mark and locate a state road in said counties, beginning at Columbia in Whitley county, from thence a northwesterly direction to or near the south line of section two where the Millford and Fort Wayne state road crosses said line, in township thirty-two north, of range eight east, thence on said road to or near the northeast corner of section sixteen, township thirty-three north, of range eight east, (which is on the same direction) thence on a northwesterly direction to or near where the Goshen and Fort Wayne state road crosses the line dividing townships thirty-four and thirty-five north, of range eight east, which point is in Noble county.

SEC. 49. That Absalom Bowen, Elisha P. Shannon and Adam Kerns of the county of Boone, be, and they are hereby appointed commissioners to view, mark and re-locate that part of the State road leading from Indianapolis to Lafayette, which lies between the following points, to wit: commencing at the section line between sections number thirty and thirty-one, in township number twenty, north of range number one west, in the county of Boone, thence east with said line to the bank or bluff of Spring creek, thence a south east direction until it intersects the Frankfort State road, thence south with said road until it intersects the Indianapolis and Lafayette State road aforesaid. The said commissioners are hereby required to take into consideration the interest of the public, and also the interest of the person or persons through whose land the said road is proposed to run, and if in their opinion the interest of all parties concerned requires the said change, then, and in that case they are hereby authorized to make the change as above specified, and not otherwise.

SEC. 50. That Samuel Mahon of the county of Huntington, be, and he is hereby appointed a commissioner to re-locate a portion of the Fort Wayne and Huntington State road, as follows: commencing on said road about six miles east of the town of Huntington, thence bearing in an easterly direction on the left of the present location, running on the nearest and best route to intersect the said road as at present located, at a distance of about four miles from the point of leaving said original location.

SEC. 51. It shall be the duty of the commissioners appointed by the provisions of this act, to meet at some proper place in their respective districts as they may agree, on or before the first Monday in April next, or as soon thereafter as shall be convenient, and after having been duly qualified by oath or affirmation, to faithfully and impartially discharge his or their duty or duties, as such commissioner or commissioners, shall then proceed to view, mark and locate the road for which he or they may have been appointed commissioner or commissioners as aforesaid.

SEC. 52. That in case any commissioner or commissioners appointed as aforesaid, shall die, resign, or refuse to act, then it shall be the duty of the board of county commissioners or the board doing county business in such county where such death, resignation, or refusal to act, shall have taken place, to appoint some suitable person or persons to fill such vacancy or vacancies occasioned by such death or deaths, resignation or resignations, refusal or refusals, and the person or persons so appointed, shall in all respects be governed as herein prescribed.

SEC. 53. That the commissioners appointed by the provisions of this act, shall each receive the sum of one dollar for every day they may be necessarily employed in locating said roads, to be allowed by the board doing county business in the proper county, in proportion to the distance which the said roads run through each and every county, to be paid by the county treasurers, of the respective counties out of any money in said treasuries not otherwise appropriated.

SEC. 54. That the commissioner or commissioners appointed as aforesaid are hereby empowered to employ a surveyor, chainmen and markers, should he or they deem the same expedient, and the surveyor chainmen, and markers, shall severally receive and be paid a reasonable compensation for their respective services, to be allowed and paid in the same manner, as provided for the payment of commissioners in the preceding section.

SEC. 55. [That it shall be the duty of said commissioner or commissioners, or a majority of them, to make his or their report of his or their proceedings, within thirty days after the location of any State road, hereby authorized, and cause the same to be filed with the clerks of the several counties through which the said road shall have been located. And it shall be the duty of said clerks within twenty days thereafter, to record the said report in the record book of the boards doing county business, and such roads shall be opened and kept in repair, agreeably to the laws now in force concerning opening and repairing roads and highways.] *

SEC. 56. This act to take effect and be in force from and after its passage.

*NOTE—This section is omitted in the enrolled act, and is supplied from the engrossed bill.

Secretary of State.

CHAPTER XLIV.

An Act appointing commissioners to locate certain State Roads, therein named.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Matthew Van Derhoof, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing eighty rods east, of the east addition to the town of Portland, in Jay county, thence running in a direct line to the centre of section 26, in township 24 north, of range 14 east, thence to Brownsville, in said county, thence to the quarter stake, between sections 5 and 8, in township 24 north, of range 15 east, thence to Jay city, thence the nearest and best route to the state line between Ohio and Indiana, in a direction to Celina, the county seat of Mercer county, Ohio; and it shall be the duty of said commissioner on the last Monday in June next, or at such time thereafter, as may be convenient, to proceed to locate said road, and report his proceedings to the clerk of the board doing county business, according to law.

SEC. 2. That William Richardson, William Hole, and Abraham Medsker, be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at Albany, in Delaware county, thence running east, across half way creek, thence up said creek on the east side thereof, on or near an old road to the section line between sections 25 and 36; thence east to the west end of the county road, leading to Portland, in Jay county; thence on or near said county road, to New Mount Pleasant, thence on or near said road, by the way of Carley's mill, to Portland, in Jay county; and it shall be the duty of said commissioners to meet at Albany on the last Monday of May next, or at such time thereafter as a majority of them may agree upon, and proceed to locate said road, and report their proceedings to the clerk of the board doing county business according to law.

SEC. 3. Said commissioners, after taking the necessary oath, shall employ a surveyor, chain carriers, and markers, if necessary, who shall be allowed by the boards doing county business, a reasonable compensation for their services respectively.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XLV.

An Act to locate a state road in Orange county.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Dellard, Kinsey Veele and Amos Critchfield, be appointed commissioners to view, mark and locate a state road, commencing at Newton Stewart's, from thence to Williamsburgh, from thence to Valence, and from thence to intersect the New Albany and Vincennes McAdamized road at or near Peter Payton's, in Washington county.

SEC. 2. That the commissioners, after taking an oath or affirmation to discharge their duties according to the provisions of this act, shall, by the first day of October, 1843, proceed to view, mark and locate said road, or as soon thereafter as may be convenient, and within thirty days thereafter file a report of their proceedings in the clerk's office of the county aforesaid.

SEC. 3. That the board doing county business shall, at their first meeting after the report has been filed in the office aforesaid, cause said road to be placed under the care of a supervisor, whose duty it shall be to open and keep the same in repair, as other roads in this State.

SEC. 4. This act to take effect and be in force from and after its passage.

 CHARTER XLVI.

An act for the improvement of the Fort Wayne and South Bend state road, so far as the same passes through Elkhart county.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all moneys paid into the county treasury, under the provisions of the act entitled, "an act to compel speculators to pay a road tax equal to that paid by actual settlers," shall be applied to the improvement of the aforesaid road, under the provisions and restrictions hereinafter specified.

SEC. 2. *Be it further enacted*, That the qualified voters in each township in said county of Elkhart shall, at their township elections on the first Monday in April annually, determine by ballot, whether the aforementioned funds belonging to their said townships, shall be

expended in the supervisors' districts, or shall be expended on the said road, and, for that purpose, shall write on his ticket "district" or "road" as he shall prefer.

SEC. 3. *Be it further enacted*, That if there should be a majority of the votes given in favor of the "road," it shall be the duty of the judges and clerks of said elections, to certify the same immediately to the county treasurer, whose duty it shall be to withhold the funds of said township for the purposes contemplated in this act, and shall, as soon as practicable thereafter, report to the county commissioners the amount of moneys in his hands that is applicable to the improvement of said road.

SEC. 4. *Be it further enacted*, That it shall be the duty of the county commissioners to expend the aforesaid moneys on said road, agreeably to the act entitled, "an act for the equal distribution of the three per cent. fund," approved, Feb. 6th, 1837, except that they shall allow the commissioner or commissioners, appointed under the provisions of this act, such compensation as they may deem reasonable and just. This act shall take effect and be in force from and after its publication.

 CHAPTER XLVII.

An Act for the location of a state road from Vincennes to Dicksburgh.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Dick, Antoine Cary and Jac. Harper, of the county of Knox, be, and they are hereby appointed commissioners to view, mark and locate a state road from Vincennes to Dicksburgh in said county, by way of the Cheminee Passe hills, and Cary's prairie.

SEC. 2. Said commissioners, or a majority of them, shall, on the first Monday of May next, or as soon thereafter as may be convenient, having taken the usual oath, proceed to view, mark and locate said road, and when they shall have viewed, marked and located said road, they shall cause a report of said road to be filed in the Auditor's office of said county, within thirty days thereafter, and the said auditor shall record the same in the records of the commissioners' court of said county, and the board of commissioners, at the next term thereafter, [shall] make such reasonable allowances to said commissioners as shall be deemed just and proper.

SEC. 3. That the different supervisors through whose districts said road may run, shall, after the location of said road, cause the

same to be opened not exceeding sixty feet wide, and keep the same in good repair, in the same manner as other roads are.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XLVIII.

An Act to amend an act entitled an act for the location of a certain State Road therein named, approved, January 31st, 1842.

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Classer is hereby appointed to fill the place of Lewis V. Baker, (who has removed his residence out of the state of Indiana) as one of the commissioners to locate the road as contemplated in the act to which this is an amendment, and shall meet the two last named commissioners in the above named act, on the first Monday in March next, or as soon thereafter as may suit their convenience, at the house of George Baker, and proceed to perform the duties prescribed in the act to which this is an amendment.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLIX.

An Act to locate a State Road in DeKalb and Steuben counties.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Reuben J. Dawson, Preston Bowman, and Samuel Keppler, be, and they, or a majority of them, are hereby appointed commissioners to view, mark, and locate a state road, commencing on the Ohio state line, between sections 21 and 28, township 35 north, of range number 15 east, thence west on said section line to the state road running from Fort Wayne to Branch, state of Michigan, thence on the nearest and best ground to North Port, Noble county.

SEC. 2. Said commissioners, or a majority of them, shall meet at any time that may suit their convenience, proceed to view, mark, and locate said road according to the provisions of the first section

of this act; and shall make report to the clerk's office, according to the law now in force on such subjects; and shall be allowed the sum of seventy-five cents each per day, out of the county treasuries for such services.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER L.

An Act to locate a State Road from Frankfort, in Clinton county, to Shielsville, in Hamilton county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Hill of Clinton county, and Thomas Cooper of Hamilton county be, and they are hereby appointed commissioners to view, mark, and lay out a state road from Frankfort, in Clinton county, to Shielsville, in Hamilton county.

SEC. 2. The commissioners aforesaid shall meet at Frankfort, in Clinton county, on the first Monday in July next, or some subsequent day, after taking an oath faithfully to discharge the duties required by this act, before some person legally authorized to administer the oath.

SEC. 3. And when the commissioners shall have discharged the duties required by this act, they shall report the same to the boards doing county business in their respective counties, who shall allow the said commissioners a reasonable compensation for their services, in proportion to the length of said road in the respective counties of Clinton and Hamilton; the said boards shall order the report of the commissioners of said road to be recorded in the book kept for that purpose, and for the recording their proceedings; and after recording the same as a state road, shall cause the same to be opened, not exceeding sixty feet, nor less than forty feet in width, and kept in repair as other state roads are in such counties.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LI.

An Act to legalize the survey of a certain state road therein named:

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, the General Assembly of the State of Indiana did, at the session of 1835 and 1836, authorize the location of a state road from Raccoon Village on the Wabash and Erie canal, on the best route to the centre of section nineteen, in township thirty-one, range ten east, thence the most eligible route to intersect the road from Fort Wayne to Yellow river: And, whereas, Lott S. Bayless, the commissioner appointed to locate said road, did, in pursuance of said authority, proceed to locate the road from Raccoon Village to the court house in the town of Columbia, in Whitley county: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the survey and location made by the said Lott S. Bayless, of a state road from Raccoon Village on the Wabash and Erie canal, to the court house in the town of Columbia, in Whitley county, be and the same is hereby legalized.

This act to take effect and be in force from and after its passage.

CHAPTER LII.

An act appointing commissioners to locate a certain state road therein named.

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, the General Assembly of the State of Indiana did, at the session of 1835 and 1836, appoint Lott S. Bayless a commissioner to locate a state road from Fort Wayne in Allen county, on the best route, to a point where the Kankakee river crosses the west line of the State: And, whereas, the said Lott S. Bayless has failed to locate said road: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joshua Holmes and Daniel Welker of the county of Allen, and William Ivers of the county of Jasper, be, and they are hereby appointed commissioners to locate the said road, commencing and ending at the points set forth in the preamble to this bill.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LIII.

An Act authorizing a change in the location of a part of a certain state road therein named.

[APPROVED, FEBRUARY 11, 1843]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, Tompkins D. Lewis and Samuel Mahon of the county of Huntington, be, and they are hereby appointed commissioners to make the following change in the location of the Fort Wayne and Lafayette state road, to-wit: Leave the present road near the farm of Samuel Mahon in Huntington county, on section thirty-four, township twenty-eight, range ten east, thence running along the line of the Wabash and Erie canal, crossing Bull creek near the aqueduct, thence along the line of said canal to the farm of T. D. Lewis, and thence to intersect the old road at or near the house of John Lewis.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LIV.

An Act to change a certain state road therein named:

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of the state road commonly called the Moscow road, in Rush county, that runs through section fifteen, in township twelve, range nine, in said county, be, and the same is hereby vacated.

SEC. 2. All that part of the county road in Rush county which runs on the line dividing sections fifteen and sixteen, township twelve, range nine, that lies between the Moscow and Shelbyville roads, is hereby declared to be a state road, and shall be considered a continuation of the Middletown and Moscow road, until its intersection with the Shelbyville and Brookville state road.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LV.

An Act to re-locate a State road from Columbus in Bartholomew county, to Nashville in Brown county.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That David D. Weddle and Henry New Kirk, of the county of Brown, and Francis Whittington of the county of Bartholomew, be, and they are hereby appointed to view, mark, and re-locate so much of the road leading from Nashville in Brown county, to Columbus in Bartholomew county, as lies between those two points.

SEC. 2. Said viewers shall, on or before the first Monday in June next, proceed, after first taking an oath faithfully to discharge the trust hereby reposed in them, before any person legally authorized to administer an oath, to view, mark, and relocate said road on the best ground that can be selected, having due regard to private property, after they shall have thus performed their duty, those appointed in the county of Brown shall report the changes and re-location to the board doing county business in said county, so far as said road may run in the county of Brown, which said board shall immediately cause the same to be opened and put in good order for travel.

SEC. 3. That the said Francis Whittington, so appointed in Bartholomew county, shall report as aforesaid all the changes and relocation in the said county, to the proper board doing county business therein, who shall have the same opened and put in good order for travel immediately thereafter.

SEC. 4. The county boards of the counties in which the said viewers may respectively reside, shall make to said viewers such compensation as they may deem just and reasonable for each day they may be necessarily employed in said duty.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER LVI.

An Act to locate a State Road from the town of Evansville in Vanderburgh county, to the town of Petersburg in Pike county.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Crow of the county of Pike, William Hargrove of the county of Gibson, and Mark Wheeler of the county of Vanderburgh, be, and they are hereby appointed commissioners to view, mark, and locate a state road on the nearest and best route from Evansville in Vanderburgh county to Petersburg in Pike county.

SEC. 2. Said commissioners shall meet at the house of the above named Mark Wheeler, in the county of Vanderburgh, on the second Monday in

April next and after having been sworn by a justice of the peace, faithfully and honestly to discharge their duties as such commissioners, they shall proceed to view, mark, and locate said road as aforesaid.

SEC. 3. The said commissioners shall, within thirty days after the location of said road, file a report of the same in the clerk's office in each of the counties through which said road passes; and said clerks or auditors, as the case may be, shall lay the same before the boards doing county business, and it shall be the duty of the said boards to order so much of said road as lies within their respective counties, to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of an act for the opening and repairing roads and highways.

SEC. 4. That the said boards doing county business in the counties through which said road passes, shall make such allowance to said commissioners for their services, as they shall deem just and reasonable.

SEC. 5. That in the event of a failure of all of the said commissioners to attend at the time above specified, it shall be lawful for them to meet at any future time that they shall appoint; and should a vacancy occur by death, refusal to qualify, or otherwise, of either of the said commissioners, it shall be the duty of the board doing county business in the county in which such vacancy happens, to appoint some suitable person to fill such vacancy at the first term thereof after such vacancy occurs.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER LVII.

An Act to vacate a portion of a certain State Road in Noble and Lagrange counties.

[APPROVED JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the state road authorized to be located by the fifteenth section of an act entitled an act to establish state roads, approved, February 15, 1841, as lies south of the county road leading from the Fort Wayne and Lima state road, in Noble county, to Clear spring, in Lagrange county, be, and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LVIII.

An Act to locate a State Road in the county of Wayne.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joseph Lewis of the county of Wayne, be, and he is hereby appointed a commissioner to view, mark, and locate a State road, commencing at or near Harvey's farm, where the present county road leaves the State road leading from Richmond to Washington in the county of Wayne, thence on or near said county road, to intersect the State road leading from New Parres, Ohio, to Williamsburgh, at or near the east side of section eight in township seventeen, of range fourteen.

SEC. 2. The commissioner herein appointed, shall, on or before the first day of May next, or as soon thereafter as shall be convenient, after taking the proper oath or affirmation, proceed to view and locate said road, and shall make return of his proceedings to the clerk of the board doing county business in the county of Wayne, and shall be governed in all respects by the provisions of an act defining the duties of commissioners appointed to locate State roads and for other purposes, approved, February 1st, 1834.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LIX.

An Act declaring a certain county road, a State road in the county of Clay.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That George Donham and William Herran of the county of Clay, be, and they are hereby appointed commissioners to view, mark, and locate a State road from Cloverland in Clay county, to Rawley's mill in said county.

SEC. 2. The commissioners shall meet at the town of Cloverland in said county, on the first Monday in March next, or as soon thereafter as may suit their convenience, and after taking an oath or affirmation faithfully and impartially to discharge the duties assigned them, shall proceed to view, mark, and locate said State road, commencing at Cloverland in said county, thence south, on the route of the county road, to the north line of Congressional township No. 11 north, of range No. 7 west, at the north west corner of section No. 4, and the north east corner of section No. 5, in said township, thence south with the section lines, to the south of said Congressional township, thence south on the most practicable route, to the Cross cut canal at or near a point where the aforesaid county road crosses said canal, thence south with said road to Rawley's mill on Eel river in said county of Clay.

SEC. 3. The said commissioners shall, within thirty days after the location of said road, file a report of the same in the clerk's office of the county of Clay,

and the said clerk shall lay the same before the board doing county business at their first session thereafter, and it shall be the duty of said board to order the same to be recorded as other roads and highways, and place the same under the care of the proper supervisors, whose duty it shall be to open and keep the same in good repair.

SEC. 4. That the board doing county business in Clay county shall make such allowance to said commissioners for their services, as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER LX.

An Act to vacate a part of a State Road therein named.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the state road leading from Spencer, to Danville, Indiana, as lies between the forks of said road near to and north-east of Wadeville, in Harrison township, Owen county, Indiana, and the north-west corner of the widow John's farm, in Ray township, Morgan county, Indiana, be, and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXI.

An Act providing for the location of a state road in Delaware, Blackford and Huntington counties:

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Isaac Branson of Delaware county, William Payton of Blackford county, and Thompkins D. Lewis of Huntington county, or any two of them, shall be commissioners to locate a state road commencing on the bridge at the crossing of the Mississinawa river at Granville in Delaware county, or at Carter's mill on said river, as may be deemed most conducive to public good by said commissioners, thence on the nearest and best ground to the south end of Jefferson street in Hartford, "the county seat of Blackford county," thence north on the nearest and best ground to Warren in Huntington county, thence on the Warren and Huntington state road to the town of Huntington.

SEC. 2. Said commissioners shall meet at Hartford on the first Monday of September next, or so soon thereafter as they may agree upon, and proceed to lay out, mark, and locate said road, and make return thereof to the boards doing county business in the several counties of Delaware, Blackford and Huntington, on or before the first Monday of January, 1844.

SEC. 3. The county boards in the counties of Delaware, Blackford and Huntington, are hereby authorized, and it is hereby made their duty to pay or defray the expenses of locating said road in proportion to the length said road may run in each of the aforesaid counties.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER LXII.

An Act to locate a certain State road therein named.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Bexler, Jacob Sponbeck and Samuel Trobridge, be, and they are hereby appointed commissioners to view, mark, and locate a state road, from Kendallville to Perrie's prairie, in Noble county.

SEC. 2. Said commissioners shall meet at Kendallville on the first Monday in June, or some subsequent day thereafter, and proceed to mark and locate said road according to law.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXIII.

An Act to review a certain State Road therein named.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John H. Faurote, Samuel D. Owen and Joel Palmer of the county of Franklin, be, and they are hereby appointed to review and locate that part of the State road leading from the town of Laurel, to Bloomingrove, which lies between Laurel and the farm of Jesse Doctorman in the said county.

SEC. 2. That said reviewers, or a majority of them, shall meet at such time and place as may best suit their convenience, and proceed to view said road and make any changes, they, or a majority of them may agree upon, and report their doings to the clerk's office according to law now in force on such subjects.

This act to be force from and after its passage.

CHAPTER LXIV.

An Act to locate a State Road in the county of Greene.

[APPROVED, FEBRUARY 7, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel M. Ingersoll, N. R. Wilde, and William Osborn, be, and they are hereby appointed commissioners to view, mark, and locate a State road from Point Commerce, to Linton in Green county.

SEC. 2. The commissioners aforesaid, after taking an oath for the faithful discharge of their duties, shall, on or before the first day of May next, or so soon thereafter as they may agree, proceed to view, mark, and locate said road on the nearest and best route: *Provided*, said road shall not be located through any person's farm, unless by consent; and so soon as said location is made, the commisoners shall report the same at the next session of the board doing county business, and the said boards shall make said commissioners such compensation as they may deem just and reasonable, and they shall order the said road to be opened and kept in repair as other public roads are.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXV.

An Act amendatory to an act entitled an act appointing commissioners to locate and relocate state roads therein named, and for other purposes, app. Jan. 31st, 1842.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Noah Boone, Hanford Short of the county of Lawrence, and John Wagoner of the county of Martin, be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at Orleans in the county of Orange, and running thence by Fulton's mill, the Spicewood valley meeting house and Parris or Brayntsville in said county of Lawrence, thence to in-

tersect the state road leading from said Orleans to Bloomfield, Green county, *via*, Wood's ferry, at the farm of John Mosier, in the said county of Martin.

SEC. 2. That said commissioners shall, after viewing, marking, and locating said road, as provided in the first section of this act, report to the board doing county business in the said county of Lawrence, the probable amount it will cost said county of Lawrence, and that it is hereby made the duty of said board doing county business to suspend the further operation on said road, until a fair expression of its citizens can be obtained, by petition and remonstrance to their body, and thereupon determine whether or not said road shall be thus located.

SEC. 3. That all laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXVI.

An Act to amend the act in relation to the location of the Rome and Paoli state road.

[APPROVED, FEBRUARY 10, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Frazer, Moses Matthews and John B. Moyer, be appointed commissioners to relocate so much of the Rome and Paoli road as lies between Paoli and Joseph Weeks'.

SEC. 2. That said commissioners or a majority of them, shall meet in Paoli at some convenient time, and proceed to relocate said road between the points above named, and report their proceedings in the premises to the board doing business in Orange county.

SEC. 3. This act to be in force from and after its passage, and a certified copy thereof filed in the auditor's office of Orange county.

CHAPTER LXVII.

An Act to establish a State Road in Henry county.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and is hereby established a state road, commencing at the state road leading from New Castle to Middletown, in the county of Henry, where the line dividing townships seventeen and eighteen north, crosses the same, from thence west on said line to where the same intersects the Newcastle and Noblesville state road.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXVIII.

An Act to open the Bloomington and Salem road.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county boards, in each of the several counties in this state, through which the upper Salem road leading from Bloomington, in Monroe county, to Salem, in Washington county runs, are hereby directed and required to cause the said road to be opened fit for travel, and kept in good repair, and to have the same worked in the same manner, and under the laws now in force providing for opening and repairing public roads and highways in this state.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXX.

An Act authorizing the re-location of a part of a certain State road, in the county of Clay.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Alfred West, and James W. Modisett of the county of Clay, be, and they are hereby appointed commissioners to view, mark, and re-locate a certain part of the Rockville and Bowling Green State road, commencing at or near the south line of Nathan Compton's farm in section No. 22, in township 13 north, of range No. 7 west, thence in southern direction, so as to intersect said State road at or near the centre of section No. 27 in said township and range aforesaid.

SEC. 2. The said commissioners shall meet at the house of John S. Yocom in said county, on the first Monday in March next, or as soon thereafter as may suit their convenience, and after taking an oath or affirmation faithfully to discharge the duties assigned them, shall proceed to view, mark, and re-locate said road between the points mentioned in the first section of this act, if in their opinion the public interest requires such change: *Provided*, also, that in the relocation of said road the commissioners aforesaid shall have due regard to the rights of private individuals on the route of said proposed location.

SEC. 3. That said commissioners shall make report of their proceedings to the board doing county business at their first meeting thereafter, and if said commissioners shall report a re-location, the board shall order so much of the old road as is situate between the points named in the first section of this act to be vacated, and cause the said new route to be opened and kept in good repair as other roads and highways.

SEC. 4. That the board doing county business in the county of Clay, shall make such allowance to said commissioners for their services as they shall deem just and reasonable.

SEC. 5. This act to take effect from and after its passage.

CHAPTER LXX.

An Act to amend an act entitled "an act for the establishment of a State road in Fayette county," approved, December 24, 1841.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel White, Henry Vance, and William Hart, of the county of Fayette, and State of Indiana, be, and they are hereby appointed to view, mark, and locate the State road specified in the act to which this is an amendment.

SEC. 2. That said commissioners shall meet and qualify before some jus-

tice of the peace of said county, at such time and place as may be by the auditor of said county designated, and they shall then proceed and discharge their duties as is in said act prescribed.

SEC. 3. That the said commissioners in locating said road, shall keep the old State road south from Waterloo, as nearly as may be by them deemed expedient, until they strike the line dividing sections seven and eight, thence south on the line dividing sections seventeen and eighteen, nineteen and twenty, until they strike the road leading from Brownsville to Connersville, thence along said road to the bridge across the river.

SEC. 4. The proceedings that have been had under said act, with a view to the establishment of said road, are hereby set aside, vacated, and in all things declared void; and so much of said act as conflicts with this, is hereby repealed.

SEC. 5 This act shall be in force from and after its passage, and the Secretary of State shall immediately forward an authenticated copy thereof to the auditor of said county of Fayette.

CHAPTER LXXI.

An Act to locate a State road in Fulton county.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Christian Weaver of the county of Fulton, and Samuel Black, of the county of Cass, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Rochester, in Fulton county, to Monticello, in White county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXII.

An Act to change a certain State road in Monroe county.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Allen of Monroe county, be, and he is hereby authorized to change so much of the state road leading from Bloomington, in Monroe county, to Columbus, in Bartholomew county, so as to leave the old road ten rods east of where the line dividing section thirty-one crosses said road, thence running across said line

north 82 degrees west nine rods, thence north 63 degrees west eleven poles, thence south 73 degrees west forty-five rods, thence south 68 degrees west fifty-five poles; where it will intersect the old way.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXIII.

An Act to locate a state road in the county of Dubois.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry Barker, senior, Major G. Powers and Richard Harbison, be, and they are hereby appointed commissioners to view, mark, and locate a state road from the town of Jasper, in Dubois county, to intersect the Paoli and Petersburg state road at or near Rachael Harbison's in said county.

SEC. 2. The said commissioners, or a majority of them, shall be competent to perform said duty, and shall meet in the town of Jasper on the first Monday in June next, or any day thereafter that they may agree upon, and, after taking an oath or affirmation faithfully to discharge their duties as said commissioner, shall proceed to locate said road on the nearest practicable route, and shall report the same to the county board at its next session; which [report] said board shall cause to be spread upon their records, and shall order the said road to be opened any width not less than twenty-five nor more than forty feet; and shall allow to said commissioners a reasonable compensation for their services, out of any money in the county treasury not otherwise appropriated.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXIV.

An Act to authorize Abednego W. Inman, of the county of Dubois, to change a certain state road therein named.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Abednego W. Inman, of the county of Dubois, be, and he

is hereby authorized to change the state road leading from Paoli in Orange county to Petersburg in the county of Pike, leaving the said road where it crosses the rock shoal branch, thence running up the said branch to intersect the old road on the top of the Rich hill.

SEC. 2. The aforesaid Inman shall, at his own expense, open and repair the said new road so as to be equal to the old road, and shall report his doings to the next session of the county board thereafter, with evidence of his performing said duty, to the satisfaction of said board, which change they shall cause to be entered upon their records, and put the said road under the same rules and regulations with all other roads in said county.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXV.

An Act to locate a state road in Pike and Dubois counties:

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Scraper and Samuel Lott of Pike county, and Samuel Posetlethwait of Dubois county, be, and they are hereby constituted and appointed commissioners to view, locate, and mark a state road as follows: Beginning near the town of Winslow in Pike county, where the Petersburg and High Banks roads fork, running from thence on the nearest and best route, in an easterly direction, to some point on the state road leading from Petersburg to Jasper, in the nearest direction to the latter town.

SEC. 2. The said commissioners shall meet in the town of Winslow on the first Monday in March, 1843, or on any subsequent day thereafter that they may agree upon, and proceed to take an oath before some person authorized to administer the same, for the faithful discharge of their duties as commissioners to view, mark, and locate said road as aforesaid, and should either of the said commissioners fail to attend at the time and place so appointed, a majority, or any two of them, shall proceed to lay out said road as if all the commissioners were present.

SEC. 3. The said commissioners shall, within twenty days after the location of said road, file a report of the same in the auditors' office in each of the said counties of Pike and Dubois; and the said auditors shall lay the same before the boards doing county business at their first term thereafter; and it shall be the duty of said boards to order so much of the said road as lies within their respective counties to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of, an act for opening and repairing roads and highways.

SEC. 4. That the boards doing county business in Pike and Dubois counties shall make such allowance to said commissioners for their services as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER LXXVI.

An Act to provide for recording a State road in Sullivan and Vigo counties.

[APPROVED, JANUARY 28, 1843.]

Whereas, It is represented to this General Assembly, that so much of the State road running from Evansville to Terre Haute, as lies within the county of Sullivan, and so much thereof as lies south of Middletown, in Vigo county, has never been recorded, and that the report of the commissioners locating said road has been lost; for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William M. McKee, of Sullivan county, be, and he is hereby appointed a commissioner to review and locate the said State road referred to in the preamble to this law, upon the same ground as is recognized to have been the said State road as originally designated and established by the commissioners acting upon the subject, in the year A. D. 1823.

SEC. 2. That the proper officers in the counties of Sullivan and Vigo respectively, shall record the report of said road, as reported by said commissioner, and such report shall be valid to all intents and purposes, as much as though the survey of the original Commissioners had been duly recorded.

SEC. 3. The commissioner herein before appointed shall proceed to discharge the duties herein assigned him, any time between the first of February and the first of June next; and he shall receive such compensation from the counties through which said road runs, as the board doing county business in such county shall deem just and reasonable, in proportion to the length said road may run through the counties aforesaid.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXXVII.

An Act supplemental to an act entitled "An act to provide for recording a state road in Sullivan and Vigo counties," passed at the present session:

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner appointed under the act to which

this is a supplement, be, and he is hereby required to locate the state road designated in said principal act, upon the same ground where said road now runs. In all other respects, the said commissioner shall be governed by the act to which this is a supplement.

SEC. 2. This act, and the act to which it is supplemental, shall be in force from and after their publication in the Indiana Journal and State Sentinel.

CHAPTER LXXVIII.

An Act to increase the width of the Frankfort road.

[APPROVED, JANUARY 21, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the road leading from the town of Frankfort, in the county of Clinton, to the town of Delphi, in the county of Carroll, commonly called the Frankfort road, be, and the same is hereby declared to be eighty feet in width.

SEC. 2. That it shall be the duty of the supervisors of roads through which the said road runs, to open the said road eighty feet in width, and cut down and clear out all the timber in the said road to that width.

SEC. 3. Any person through whose land the said road runs, feeling himself aggrieved, by the opening of the same to the width aforesaid, may set forth his grievances to the board of commissioners of the proper county, and have damages assessed so far as they accrue from widening said road, and paid agreeably to the laws now in force in relation to the opening of public roads and highways.

SEC. 4. This act to be in force from and after its passage.

CHAPTER LXXIX.

An Act for the relief of Job B. Eldridge, Thomas J. Cummings, and Isaac Clary, and for other purposes.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of Cass county, be, and are hereby authorized to issue to Job B. Eldridge, Thomas J. Cummings and Isaac Clary, bonds bearing ten per cent. interest per annum, in amount sufficient to complete the residue of work and labor to be done on the Court-house in said county of Cass, by virtue

of a contract entered into by said commissioners on one part, and said Eldridge, Cummings and Clary, on the other part, on the tenth day of June, 1841, for the erection of a Court-house in said county.

SEC. 2. All bonds heretofore issued by said commissioners to said Eldridge, Cummings and Clary, on said contract, and in conformity to the stipulations of the same, be, and they are hereby declared valid in law and equity.

SEC. 3. All laws and parts of laws coming in conflict with the provisions of this act be, and are hereby repealed.

SEC. 4. This act to be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER LXXX.

An Act for the relief of the people of Allen county:

[APPROVED, DECEMBER 8, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners of the county of Allen, be, and they are hereby authorized and instructed to hold a special session on the 18th day of December, (inst.) or so soon thereafter as the sheriff of said county shall appoint, and rescind the order by them made at their June session, 1842, fixing the per centum on the hundred dollars valuation of property for county purposes, and that they fix the rate at any sum they may deem necessary, not exceeding thirty cents on the hundred dollars valuation.

SEC. 2. That the time for the payment of the taxes of said county of Allen, be, and the same is hereby extended until the fifteenth day of February, 1843.

SEC. 3. Any person or persons having paid the amount of county tax heretofore assessed for the year 1842, shall be entitled to demand and receive of the treasurer of said county, all that he, she, or they may have paid over and above the amount which shall be fixed by said commissioners at their special session authorized by the first section of this act.

SEC. 4. It shall be the duty of the sheriff of the county of Allen to notify the commissioners of said county to meet on the 18th day of December, (inst.) or on such subsequent day as he shall appoint, within ten days after the publication of this act.

SEC. 5. This act to take effect and be in force from and after its publication in the Fort Wayne Times or Sentinel at the expense of the said county.

CHAPTER LXXXI.

An Act for the relief of the securities of John Plasters school commissioner of Miami county.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the securities on the official bond of John Plaster late school commissioner of Miami county, shall be allowed a credit for the sum of one hundred and fifty eight dollars and forty cents, in a suit heretofore instituted against said Plaster and his securities by the State of Indiana for the use of Congressional township number 27 north, range number 5 east, whenever sufficient evidence shall be produced to the circuit court of the county of Miami, that the said sum was paid to the township treasurer.

SEC. 2. That in all cases where any person may have been entitled to a share of the interest received by the said Plasters from the funds appropriated to the support of common schools, and who may have heretofore or may hereafter relinquish to the securities of the said Plasters, his, her, or their share in the interest thus received and due from the said Plasters to any Congressional township of which said Plasters was school commissioner, the trustees of any such township in which any person thus relinquishing or releasing may reside, shall credit the said securities with the amount thus relinquished, and the said securities shall not be held liable to pay any amount thus voluntarily relinquished.

SEC. 3. That it shall, and may be lawful for the school commissioner of the county of Miami to take bonds, with such freehold security as is required by law where school funds are loaned in other cases, to his satisfaction from the securities of the said Plasters, for the payment of all sums of money found to be due from the said Plasters to any Congressional township, payable five years from the date, with the interest payable in advance, after deducting all amounts relinquished, as provided in the second section of this act, and when bonds are thus given and approved, said bonds shall operate as a discharge of all judgments rendered against the said Plasters or his securities, in favor of any Congressional township.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXXXII.

An Act for the relief of Henry Johns.

[APPROVED, FEBRUARY 11, 1843.]

Whereas, Henry Johns of the county of Allen, previous to the commencement of the Wabash and Erie canal, was the owner of a valuable mill privilege or water power on the St. Joseph river, and had erected valuable mills thereon; and, whereas, the State of Indiana did afterwards erect a feeder

dam to supply with water, the summit level of the Wabash and Erie canal above the mills erected by said Johns, on the St. Josephs river, thereby abstracting from the mills aforesaid, about five thousand cubic feet of water per minute, which in low stages of water is all the water contained in said river St. Josephs, and renders wholly useless the mills erected by said Johns: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner of the Wabash and Erie canal, be, and hereby is directed to cause to be supplied to the said Henry Johns, his heirs, and assigns forever, from the Wabash and Erie canal at the town of Fort Wayne, in the county of Allen, on land now owned or to be purchased by said Johns, a sufficient quantity of water to propel three pair of burr mill stones, free of any toll or water rent, and continue to supply the same to the use of said Johns, his heirs, and assigns forever, at all times when the same shall not be needed to fill the contracts heretofore made with Samuel Edsall and Hamilton & Williams, or required for the purpose of navigating said canal: *Provided,* that the said Johns shall, for himself, his heirs, and assigns release to the State of Indiana all claims against the State for the abstraction of water from the St. Josephs river to supply the Wabash and Erie canal, and shall also credit in full any or all awards or judgments that shall have been recovered by said Johns, against the State for the abstraction of any water power.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXIII.

An Act for the relief of Catharine Melville.

[APPROVED, JANUARY 21, 1843.]

WHEREAS, It is represented to this General Assembly, that James Dowd, a native of Ireland, emigrated to this state, and without having been naturalized, or filing his declaration of intention to become a citizen of the United States, purchased and became the owner of certain real estate, situated in the county of Laporte, and state of Indiana, to-wit; the east half of lot number three, in block number twelve, in Elston's survey of Michigan city, and died leaving a widow: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the right and title which the state of Indiana has, or may have of, in, and to the said lot above referred to, with the appurtenances, be, and the same is hereby vested in the said Catharine Melville, late widow of the said James Dowd, and her heirs and assigns forever.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXIV.

An Act for the relief of Reuben Main.

[APPROVED, DECEMBER 20, 1842.]

WHEREAS, It has been represented to the General Assembly, that Reuben Main of the county of Allen, did, on the 19th day of April, 1833, purchase of the commissioner of the Wabash and Erie Canal, the south fraction of the south-west quarter of section 33, in township 31, of range 14 east, said to contain forty-eight acres, and 46-100 of an acre. *And whereas,* it appears from an actual survey of said fraction, that it has been found to contain but nineteen acres, and 27-100 of an acre: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner of the Wabash and Erie Canal, be, and he is hereby instructed to refund to the said Reuben Main, all sums by him paid, principal and interest over the sum he should have paid on the nineteen and 27-100 acres, which said fraction is found to contain on actual survey.

This act to be in force from and after its passage.

CHAPTER LXXXV.

An Act for the relief of Hiram Prather, collector of Jennings county.

[APPROVED, JANUARY 31, 1843.]

WHEREAS, Hiram Prather was elected treasurer and collector of the county of Jennings, and was collector of the state and county revenue for the year eighteen hundred and forty one: *And whereas,* said Prather as collector as aforesaid, did collect and receive in payment of certain state taxes for the year aforesaid, the sum of forty-seven dollars, in Illinois, Cleaveland, Ohio, and Urbana Ohio bank bills, which at the time, when he received the same, were reputed good: *And whereas,* before the time for the payment of the state revenue into the treasury, the said bills, as aforesaid, became worthless on account of the failures of said banks, and are a total loss to said collector: *And whereas, also,* said collector indulged a number of citizens of said county until the time expired, in which he could collect according to law, upon promises to pay; and owing to the great pressure of times, and scarcity of money, and thinking he could make payment, failed to make and file a delinquent list for the year aforesaid, leaving the amount of

two hundred and fifty dollars due and unpaid to the state treasury: therefore;

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the treasurer of state be, and he is hereby fully authorized and empowered to receive the said forty-seven dollars in Illinois, Cleaveland, and Urbana bank bills of the said Prather, and allow him a credit therefor, on his precept for the year aforesaid in which he was charged, for state purposes.

SEC. 2. *Be it further enacted,* That said Prather, collector as aforesaid for the year 1841, be, and he is hereby authorized to collect any arrears of taxes for said year, so far as possible of the sum of two hundred and fifty dollars, the amount which said collector is behind with the treasury of state, for state revenue for said year, in the same manner and under the laws then existing, on the subject of collecting revenue; and when so collected, to pay the same into the state treasury to be there entered to his credit for said year: *Provided, however,* should the said collector fail to collect as aforesaid, (on account of persons absenting themselves or otherwise) he shall be, and is hereby authorized to make and file a delinquent list, as was provided for by law, to the amount aforesaid or any part thereof; and said collector is hereby allowed until the first of January, 1844, to make collection and payment as aforesaid: *Provided, further,* that nothing herein contained shall be so construed as to give said collector the benefits of a lien upon real estate, when the same has been *bona fide* transferred since 1841: *Provided, also,* that said collector shall not make sale and distress until the elapse of two months after a demand has been made of taxes due said collector.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXXVI.

An Act for the relief of Adam Clark of Carroll county.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for Adam Clark, a justice of the peace in Democrat township, Carroll county, to make out correct copies of all judgments and other proceedings which were of record on his docket, which has been destroyed by fire, and the copies so made out shall be, when recorded in his docket, of full force and validity, in the same manner as the original judgments were before the destruction and burning of his said docket.

SEC. 2. That upon the said copies of such judgments it shall be

lawful for the said justice of the peace to issue executions and other writs, and enforce the collection of the same, in the same manner that the original judgments could have been collected.

SEC. 3. That the acts and proceedings of the said Adam Clark, as such justice of the peace, are hereby declared to be legal and valid to all intents and purposes, and the copies which he has heretofore made of judgments and records so destroyed by the burning of his office and the destruction of his docket, are hereby declared to be valid and in full force, and may be collected as other judgments are collected.

SEC. 4. That the said Adam Clark, as such justice, shall have full power to issue writs of *scire facias* against the docket bail upon such copies of said judgments: *Provided,* the entry of security was made upon the original judgment before the same was destroyed, and proceed to collect the same in the same manner as though the original judgment was in existence.

SEC. 5. The provisions of this act shall not extend to any violation of law, or liability incurred, by the said officer, by virtue of his official acts heretofore done.

SEC. 6. This act to be in force from and after its passage.

CHARTER LXXXVII.

An Act for the relief of the people of Vermillion county.

[APPROVED, FEBRUARY 2, 1843.]

WHEREAS, it has been represented to this General Assembly, that Deed Book Vol. No. one, of the record of deeds of Vermillion county has become so much worn and damaged, that the legal chain of title to a large portion of real estate is in danger of being lost, as well as many other valuable instruments of writing therein recorded: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the said county of Vermillion shall, at their regular session in May next, or some subsequent session, appoint a suitable person to transcribe all and every instrument of writing so recorded in Deed Book Vol. No. one, together with all such abstracts and indexes as may belong to the same, upon a good and sufficient record for that purpose; and when said deeds and other instruments of writing shall be so transcribed, they shall be, to all intents and purposes, as valid and binding in law as the original record.

SEC. 2. All expenses of transcribing said deed book shall be paid out of the proper county treasury of said county: *Provided, however*, said board shall not allow exceeding fifty cents for each and every instrument of writing so transcribed.

SEC. 3. This act to take effect from and after its passage.

CHAPTER LXXXVIII.

An Act for the relief of the board doing county business in the county of Clay.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the prosecuting attorney of the seventh judicial circuit of the State of Indiana, be, and he is hereby directed and required to enter a *nolle prosequi* to each and every indictment returned into court by the grand jury at the last October term, 1842, of the Clay circuit court, against the justices of the peace composing the board of commissioners in said county of Clay, for failing to proceed with all convenient speed to the completion of the court house in said county, and for failing to make out and set up a fair and accurate statement of the receipts and expenditures of said county for the preceding year.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXIX.

An Act for the relief of Elizabeth Harris and Susannah Antin.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State shall audit and draw on the Treasury, in favor of Elizabeth Harris of Madison county, for the sum of two hundred and ten dollars, and in favor of Susannah Antin, of said county of Madison, for the sum of fifty-six dollars, in full satisfaction of damages heretofore awarded to said Elizabeth Harris and Susannah Antin, for damages which they had respectively sustained in the construction of the northern division of the Central canal.

SEC. 2. The said sums, so audited, shall be paid out of the tolls and water rents received for, and on account of, internal improvements.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XC.

An Act for the the relief of sundry citizens of the town of Charleston, Clarke county:

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the town of Charleston, Clarke county, which lies southwest of Walnut street, be, and the same is hereby erected into an independent municipality.

SEC. 2. That the said municipality shall hereafter be governed by such rules, by-laws, and regulations, as a majority of the qualified voters of that part of the said town may adopt, not inconsistent with the constitution and laws of this State.

SEC. 3. That the present corporation of the said town of Charleston, after the passage of this act, shall have no control, either directly or indirectly, over that part of the said town above in this act specified.

CHAPTER XCI.

An act supplemental to an act entitled, an act for the relief of Reuben Main, approved December 20th, 1842.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner of the Wabash and Erie canal east of Tippecanoe, prior to settling the claim or refunding to Reuben Main any moneys that he may have overpaid on a certain fraction of land described, or intended to be described, in the act to which this is a supplement, to cause said fraction of land to be accurately surveyed, and in case said fraction of land, as described in the certificate held by said Main, is found to contain a less quantity than said certificate calls for, then it shall be the duty of said commissioner to refund to said Reuben Main, or his legal representative, any sum that he may have overpaid as aforesaid, principal and interest.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XCII.

An Act for the relief of Alexander Ray.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Alexander Ray of Vanderburgh county, be, and he is hereby authorized to file his petition in the Vanderburgh circuit court for a divorce from his wife, Gertrude Ray, to be governed in all things by the laws now in force, except that the said Alexander Ray shall not be required to aver in his bill of complaint, or prove on the hearing and trial thereof, the abandonment of the said Gertrude from her said husband for two years previous to filing his petition.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XCIII.

An Act for the relief of John C. Riely, of Perry county:

[APPROVED, JANUARY 31, 1843.]

WHEREAS, it is represented to this General Assembly that John C. Riely, late school commissioner for Perry county, was, during his continuance in office, robbed of six hundred dollars of the money in his hands, as such school commissioner, whereby he is unable to pay over to his successor, the amount with which he is properly chargeable: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of the county of Perry, be, and he is hereby authorized and required to take from the said John C. Riely, his obligation with good and sufficient sureties, conditioned for the payment of the amount the said Riely may be found in arrear, in six annual instalments, with interest at the rate of six per cent. per annum, payable annually in advance.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XCIV.

An Act for the relief of Mary B. Brown, late Mary B. Bowles.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State is hereby authorized and directed to pay to Mary B. Brown, late Mary B. Bowles, the sum of fifteen dollars, being the amount paid into the Treasury by the administrator of all and singular, the goods and chattels, rights and credits which were of Jedediah M. Bowles, deceased, late of Clinton county, which sum remained in the hands of said administrator, after the final settlement of said estate for distribution; said Jedediah [M.] Bowles dying without any known heirs, and leaving the said Mary as his widow.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XCV.

An Act for the relief of the trustees of the Methodist Episcopal Church of the town of Centreville in Wayne county.

[APPROVED, FEBRUARY 2, 1843.]

WHEREAS, it is represented that the trustees of the Methodist Episcopal church of the town of Centreville, Wayne county, have failed to procure a certificate of their election to be recorded in the recorder's office of the county of Wayne, whereby the right of said church may be affected, for remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the failure to procure the certificate of the election of the trustees of the said Methodist Episcopal church of Centreville, to be recorded in the recorders office of the county of Wayne, shall in no wise affect nor impair any rights, immunities, or privileges, that such trustees might, or would have enjoyed, had a certificate of the election of said trustees been regularly recorded in said recorder's office, and all acts heretofore done, or that may hereafter be done by the trustees of said church, and all transfers and conveyances made to said trustees of said church heretofore, or that may hereafter be made to them, and all rights, claims, and privileges heretofore conferred and accrued to said trustees of said church, be, and they are hereby legalized and made good and effectual in law, as if the certificate of the election of the trustees of said church had been regularly recorded in the recorder's office of the said Wayne county.

SEC. 2. The trustees of said church now in office, or a majority of them, for the time being, may sell and convey the property, real or personal, be-

longing to said church, and thereafter they and their successors in office shall be governed in all respects by the laws that are, or hereafter may be in force in this State on that subject.

SEC. 3. This act to take effect and be in force from and after its passage, and a certified copy thereof delivered to the said trustees named therein.

CHAPTER XCVI.

An act for the relief of Nathan Burchfield.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor of State be authorized and required to issue his warrant upon the Treasurer of State, in favor of Nathan Burchfield, for the sum of one hundred and twenty-five dollars, to be paid out of the suspended debt with interest thereon from the 12th day of March 1842, until paid.

SEC. 2. That when said sum shall be paid by said Treasurer, the clerk of the Parke county circuit court, shall enter satisfaction of a judgment in said circuit court in favor of said Nathan Burchfield, and against the State of Indiana, and forward to said Treasurer a receipt therefor in full of said debt and interest.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XCVII.

An Act for the relief of David Matlock, road commissioner of Hendricks county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners in and for the county of Hendricks, be, and they are hereby authorized to make an order of allowance to David Matlock, (to be paid out of any money in the said county treasury not otherwise appropriated,) all and any sum or sums of money the said Matlock may heretofore have laid out and expended on the public highway in said county of Hendricks, over and above the amount of moneys that he, as such road commissioner, has received from the Treasurer of State.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCVIII.

An Act for the relief of Amory Kinney, Salmon Wright, and Samuel B. Gookins.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor of State be required to audit and draw his warrant in favor of said Kinney, Wright and Gookins, upon the Treasurer of State, for the sum of one hundred and eleven dollars and seventeen cents, for money paid out to the use of the State, and for services as attorneys for the State in three several suits in the Clay and Parke circuit courts.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XCIX.

An Act for the relief of the securities of Elisha Long, deceased, late Treasurer of Franklin county, Indiana.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the securities of Elisha Long, deceased, late treasurer of Franklin county, be, and they are hereby authorized in their own names or the survivors of them, to collect the taxes of such person or persons in said county as have not paid the same for the year 1841, and for which the said Elisha Long as such treasurer stands charged, and did not receive a credit therefor, at his settlement with the county auditor of the taxes for the year 1841, and which taxes remain unpaid, and that they be authorized to collect the same within one year from the second Monday of February 1843, by action of debt or assumpsit, before any justice of the peace, or court having jurisdiction thereof.

SEC. 2. That said securities be, and they are hereby authorized to receive from the Treasurer of State the interest allowed on the treasury notes by the said Elisha Long as such treasurer, collected for State taxes for the year 1841, and paid into the State treasury upon their satisfying the Treasurer that they were so received for taxes and interest allowed thereon.

SEC. 3. That the said securities be, and they are hereby authorized to receive from the Auditor or Treasurer of State, any treasury notes or moneys remaining in their or either of their hands as overplus of money paid or deposited by the said Elisha Long, as such treasurer, or by any other person for him on account of State revenue.

SEC. 4. That the said securities, when they so collect and receive said moneys or any part thereof, shall pay the same into the treasury of the county of Franklin, in discharge of the balance remaining due from the said Elisha Long as such treasurer to said county: *Provided, however,* if the said securities or any one or more of them shall have paid over the said balance out

of his or their own moneys before the above funds shall have been collected, then and in that case, the money so collected shall be applied to reimburse him or them.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER C.

An Act for the relief of Harmon Warram, of Hancock county.

[APPROVED, FEBRUARY 10, 1843.]

Whereas, it has been represented to the General Assembly of the State of Indiana, that in the month of August 1841, Rachel Warram, the wife of the said Harmon, voluntarily left the society and abode of the said Harmon, with an intention of voluntarily abandoning the society of her said husband. And it has been represented to said General Assembly that the said Rachel still continues to abandon her said husband; and, whereas, the said Harmon and Rachel, on the first day of September 1841, entered into a writing obligatory under their hands and seals; Nathan Crawford, and Jonathan Dunbar, bound themselves in said bond as security for the faithful compliance of the said Rachel in her covenants with the said Harmon, by said writing obligatory aforesaid; said Rachel agreed to relinquish all right of dower, which she might have in any lands which said Harmon might own either in law or equity; and she further agreed to and with said Harmon, that on the sale of any land, which he then had, or may have, that she, the said Rachel, agreed to execute with her said husband any deed of conveyance to any land he might desire to convey; and, whereas, the said Harmon paid the said Rachel, the sum of one hundred and twenty dollars, being in full consideration for the said several covenants made by said Rachel, and, whereas, said Rachel now refuses to join her said husband in conveying a certain tract of land, for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the said Harmon Warram to file his bill of complaint in the Hancock circuit court, praying for a divorce from his said wife Rachel, and it shall not be necessary for said Harmon to prove the abandonment of said Rachel for two years, if he satisfies the court that said Rachel voluntarily left the said Harmon with an intention of abandonment, and has refused to live with him for fifteen months immediately preceding the filing of his bill of complaint.

SEC. 2. The court shall, on the hearing of said case, if satisfied that the aforesaid recited contract was executed *bona fide* by said Rachel, and without any unjust or dishonest exertion of said Harmon, and that the said sum of one hundred and twenty dollars hath been paid by said Harmon to said Rachel, the court may in its discretion decree that the said sum so paid shall be in bar of all dower.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CI.

An Act for the relief of James Gee and Abigail Gee, of Huntington county.

[APPROVED FEBRUARY 9, 1843.]

WHEREAS, James Gee alias James McNemara, was deemed and taken to be the son of Samuel McNemara, late of Huntington county, in this state deceased, but that after the death of said Samuel, it was clearly ascertained that the proper name of said supposed James McNemara, was James Gee; and, whereas, before the discovery of said matters, said James by the name of James McNemara was married to Abigail Gay: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the names of said James McNemara and Abigail McNemara, be, and the same are hereby changed respectively to that of James Gee and Abigail Gee, and that by such respective names they shall be recognized and known, and may together or separately do and perform all acts and things which, by their previous names, they might have done either jointly or severally.

SEC. 2. This act shall in nowise affect any contract or contracts heretofore entered into by them or either of them, nor affect any property by them or either of them aliened, conveyed, granted, received, contracted for, or purchased, but the same shall remain as valid, as if this act had never been passed.

This act to be in force from and after its passage.

CHAPTER CII.

An Act for the relief of Jacob Bookwalter.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Bookwalter be, and is hereby authorized to file his petition for a divorce from his wife Julian, in the clerk's office of the Cass circuit court, in the same manner as though he had resided in said county for two years last past, and the said Cass circuit court upon proof of sufficient cause of divorce, is hereby directed to decree a divorce accordingly.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CIII.

An Act for the relief of the estate of Hugh O'Neal, deceased, late of Huntington county.

[APPROVED, FEBRUARY 6, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of the county of Huntington be, and he is hereby authorized to correct a mistake in the assessment of the improvements on the east half of the south-west quarter of section twelve, in township twenty-eight north, of range nine east, and put the assessment of said improvements at the sum of thirty dollars, instead of three hundred dollars, as valued by the appraiser.

SEC. 2. It shall be lawful for the administrator of the estate of Hugh O'Neal deceased, who was the owner of said premises, to pay into the treasury of the county of Huntington, the amount of tax which would have been due on said improvements, if the same had been assessed at thirty dollars, and that the same when so paid shall be in full discharge of all taxes due on said improvements, for the year 1842, and the same shall be valued as corrected by the auditor, according to the provisions of this act, at all times hereafter, until said improvements shall have been increased.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CIV.

An Act for the relief of the citizens of Huntington county.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners of the county of Huntington, be, and they are hereby authorized and instructed to hold a special session, on the fourteenth day of January, 1843, or on such subsequent day as the sheriff of said county shall appoint, and rescind the order by them made at their June session, fixing the rate of county tax for the year 1842, and fix the same at any sum they may deem necessary, not exceeding thirty cents on the hundred dollars valuation.

SEC. 2. Any person or persons having paid the amount assessed for the year 1842, shall be entitled to demand and receive of the treasurer of said county all he, she, or they may have paid over and above the amount that shall be fixed by said board of commissioners at their special session authorized by the first section of this act.

SEC. 3. It shall be the duty of the sheriff of Huntington county to notify the commissioners of said county to meet on the fourteenth day of January, 1843, or on some subsequent day, which he shall appoint within ten days after he shall receive a copy of this act.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CV.

An Act for the relief of William McCulloch, deputy collector of the state and county revenue of Cotton township, Switzerland county, State of Indiana, for the year 1841.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of Switzerland county, be, and he is hereby authorized and required to pay to William McCulloch, deputy collector of Cotton township, Switzerland county, for the year 1841, or to his legal representative, the sum of twenty dollars out of the revenue of the State in his hands, and that he take a receipt therefor from the said William McCulloch, or his legal representative, which shall be a sufficient voucher for said treasurer in making settlement with the Auditor of Public Accounts, and for which said Auditor is required to allow a credit to the said treasurer.

SEC. 2. That said McCulloch deposite the uncurrent notes in his possession, viz: Seventeen dollars on the Bank of Cincinnati, three dollars on the Lebanon and Miami Banking Company, with the Treasurer of State, taking said treasurer's receipt therefor, which receipt he shall file in the office of the Auditor of Public Accounts.

SEC. 3. The Secretary of State shall make out a certified copy of this act, and forthwith, after its passage, forward said certified copy to the auditor of Switzerland county, to be filed in the office of said county auditor.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CVI.

An Act for the relief of Zera Sutherland.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William J. Ball, formerly an engineer in charge of the work on the cross-cut canal, and Stearns Fisher, commissioner of the Wabash and Erie canal, be, and hereby are authorized, in behalf of the State, to settle with, and adjust the claim of, Zera Sutherland, for work done and caused to be done, by said Sutherland, on and about section number one, Eel river feeder dam on said canal, so far as the same has not already been paid, at the contract price thereof.

SEC. 2. The Auditor shall issue his warrant for the amount found to be due, on the Treasurer, who shall pay the same out of any money that may be in the Treasury, accruing from the suspended debt, for the sale of bonds for internal improvement purposes, and not otherwise.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CVII.

An Act for the relief of the late sheriff of Jackson county:

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the county of Jackson, to make to Ewing Durham, late sheriff of said county, an allowance of eighty dollars, out of the county treasury of said county, it being the amount of money actually expended by him in the recapture of two persons who escaped from the jail of said county, in the month of July, 1842.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CVIII.

An Act for the relief of John Morgan:

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bonds of matrimony heretofore existing between John Morgan and Eliza Jane Morgan are hereby dissolved.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CIX.

An Act for the relief of the executors of Joseph Ratliff, deceased:

[APPROVED, FEBRUARY 9, 1843.]

WHEREAS, it is represented to this General Assembly by John Shugart and Zachariah Shugart, executors, and Sarah Ratliff, executrix, of Joseph Ratliff, late of Grant county, deceased, that there are certain informalities and errors committed in the record and proceedings had in relation to the settlement of said estate: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the record and proceedings had in the Grant county probate court in relation to the last will and testament of Joseph Ratliff, late of said county, deceased, be, and the same are hereby legalized and declared valid in law.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CX.

An Act for the relief of a certain person therein named:

[APPROVED, FEBRUARY 13, 1843]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin Dwindell, who has been for more than two years, and now is, a resident of Hancock county, may file his bill in

the circuit court of said county, praying a divorce from his wife, Eliza. And if the said Benjamin shall allege good and sufficient causes for a divorce, the said Eliza shall answer said allegations under oath, and if the said Eliza does not deny said allegations in the manner and form as is required by this act, the court may take said charges as confessed, and may decree a divorce accordingly.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXI.

An Act for the relief of William T. Scott, collector for Delaware county:

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William T. Scott, late collector of the state and county revenue for Delaware county, is hereby authorized to pay over to Stephen Long, the present treasurer and collector for said county, the amount of revenue by him collected from the duplicates for the years 1839 and 1840, and deliver over to the treasurer aforesaid, the duplicates containing the names of those who are in arrears for taxes, verified by oath or affirmation that the amount so paid over, together with the amount returned by him as due and unpaid, is correct to the best of his knowledge and belief.

SEC. 2. The treasurer shall, upon receiving the duplicate and revenue aforesaid, make out and deliver to the said William T. Scott, a receipt for the same, stating the amount received, together with the names of delinquents, and the amount due from each, as returned by the said William T. Scott, and proceed to collect and disburse the same in all respects, as is provided by law for the collection and disbursement of delinquent taxes.

SEC. 3. The board doing county business in Delaware county, is hereby authorized to make a final settlement with the said William T. Scott, collector as aforesaid, upon his presenting to them the treasurer's receipt for the full amount due from him as such collector, and make such allowance for his services as they may deem proper.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CXII.

An Act to amend an act entitled "an act for the relief of Huntington county," approved, January 25, 1842:

[APPROVED, FEBRUARY 6, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner of the Wabash and Erie canal, east of Lafayette, shall not pay over to the order of the commissioners of said county of Huntington, a greater sum than will be sufficient to build the bridge and to aid in making the road mentioned in said act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXIII.

An Act for the relief of John J. Graham.

[APPROVED, JANUARY 31, 1843.]

WHEREAS, it appears by the report of the Auditor of State, and other satisfactory evidence, that the state and county revenue for the year 1841, of the county of Morgan, was, on the 18th day of February, 1842, destroyed by fire, with the dwelling house, and a large amount of personal property of John J. Graham then the treasurer of said county, being so much of said revenue as was then collected, which consisted in upwards of five thousand dollars in State scrip, the balance in Indiana and Illinois money, except about fifty dollars in silver, and that the same was so destroyed without any default or negligence on his part: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of this State, be, and he is hereby authorized and required to give to the said John J. Graham, as such county treasurer, a credit for the amount of the State revenue so burnt and destroyed, in the same manner as though the same had been paid by said Graham into the State Treasury at the time required by law, debiting the State with the amount of such loss: *Provided*, that, in addition to the evidence already produced of said loss, the State Treasurer is authorized and required to examine said Graham under oath or affirmation, as to the amount of the State revenue so lost and destroyed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXIV.

An Act for the relief of Philip Sweetser.

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor audit, and the Treasurer pay out of any money in the treasury not otherwise appropriated, to Philip Sweetser, the sum of one hundred dollars in full of his services as attorney at law on behalf of the State, in a cause recently decided in the supreme court, wherein the State was complainant, and Patrick McGinley was defendant.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXV.

An Act for the relief of Jesse J. Burton and Joseph Luther.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor of State, be, and he is hereby authorized and required to issue his warrant upon the Treasurer of State, in favor of Jesse J. Burton, for the sum of two hundred and fifty-two dollars and fifty cents; and, also, in favor of Joseph Luther for the sum of thirty dollars with interest and costs of suit as adjudged by the honorable judges of the Parke circuit court at its February term, 1842; which said sums shall be paid out of the first proceeds of the suspended debt.

SEC. 2. It is hereby made the duty of the Treasurer, after payment as aforesaid, to certify the facts to the clerk of the Parke circuit court, whose duty it shall be to enter satisfaction of said judgment on his records.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act for the relief of purchasers of Seminary lands, in Monroe county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any persons who have purchased lands or lots, and obtained a certificate of such purchase from the proper officer, or who may have been

the lawful holder of any certificate for any land or lot belonging to, or sold by the reserve township of seminary lands in Monroe county, and who shall satisfy the commissioner of said reserve township, that the said certificate has been lost, it shall be the duty of such commissioner to make and deliver to such person another certificate for such land or lots, and bearing the date and having upon it, if possible, the endorsement of the original certificate.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXVII.

An Act for the relief of William F. Lane and Gideon Lane, of Tippecanoe county.

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, William F. Lane, and Gideon Lane, on the 29th day of August, 1842, for a full and fair price, to wit: for three hundred dollars, purchased a certain piece of ground situate in Tippecanoe county, being the west half of one square acre of ground off the north east corner of lot number ten in the addition of out lots to the town of Lafayette in said county, laid out by Jeremiah Bartholomew, of the board of seminary trustees of said county, which said ground said trustees were authorized to sell by act of 29th January, 1842; (see local laws, page 160,) and, whereas, doubts have arisen as to the validity of the deed of said trustees to William F., and Gideon Lane, said board of trustees having no common seal: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the deed of R. S. Ford, L. B. Stockton and J. S. Hanna, trustees of the county seminary of said county, bearing date the 29th day of August 1842, be taken, held, and construed to convey to the said William F. Lane, and Gideon Lane, their heirs and assigns forever, a good, sure, and perfect estate of inheritance in fee simple, any defect in said deed to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXVIII.

An Act for the relief of Stephen Kitson.]

[APPROVED, DECEMBER 30, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall and may be lawful for Stephen Kitson of

Kosciusko county, to pay any and all interest due and to become due by him on account of purchase money for school lands, purchased by him in Wayne township, Kosciusko county, at any time previous to the first day of April, 1844, and when the same shall be so paid, it shall be of the same force and effect, and to all intents and purposes as valid as if the same had been paid at the time it became due, under existing laws, and be in full of all forfeitures and damages now existing, by reason of non-payment thereof.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CXIX.

An Act for the relief of James Smith of Gibson county.

[APPROVED, FEBRUARY 6, 1843.]

WHEREAS, It is represented to this General Assembly, that James Smith, commissioner for the township of land, in Gibson county, reserved for the use of a State University, did in the month of December, 1841, in good faith receive in payment for a certain parcel of land in said township, the sum of two hundred and sixteen dollars in notes of the banks of the state of Illinois, the same being at the time current at its par value: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State, be, and he is hereby required to receive of the said James Smith, the said sum of two hundred and sixteen dollars in notes of the banks of the state of Illinois, upon the said Smith producing to him satisfactory proof, that he received the same for the said land in good faith, and when the same was current at its par value.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXX.

An Act for the relief of certain persons therein named.

[APPROVED, FEBRUARY 6, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the agent for loaning the surplus revenue in the coun-

ty of Switzerland, be, and he is hereby authorized to take and receive of and from, Stephen G. Peabody and James Dalmazzo, (the securities of Causby M. Lewis) the sum of four hundred dollars in full satisfaction of a certain judgment rendered against them, in favor of the State of Indiana, at the April term, 1839, of the Switzerland circuit court; (costs excepted).

SEC. 2. The said Peabody and Dalmazzo shall have the privilege of paying said judgment in the following manner, to-wit: two hundred dollars on or before the twenty-fifth day of December, 1843, and two hundred dollars by the twenty-fifth day of December, 1844, without interest: *Provided, however*, said Peabody and Dalmazzo shall give good and sufficient personal security for the payment of said sum of four hundred dollars, to the satisfaction of said loaning agent.

SEC. 3. In case the said Peabody and Dalmazzo shall fail or refuse to pay said sum of four hundred dollars, or any part thereof, or to secure the same, in the manner herein before specified, then and in that case, the judgment now existing against them shall be in full force, and execution thereon may issue, as though this act had never passed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXXI.

An Act for the relief of John Brookbank.

[APPROVED, FEBRUARY 2, 1843.]

WHEREAS, it is represented to the said General Assembly that John Brookbank, of Carroll county, on the fourteenth day of November, 1838, purchased of George W. S. Daubeney, an alien, a citizen of Great Britain, the following tracts of land, to-wit: the east half of the southwest quarter, the west half of the southwest quarter, and the west half of the southeast quarter of section two, in township number twentyfive north, of range one east, containing, in [all,] two hundred and twenty-nine and sixty-eight hundredths acres, lying in the said county, and paid to the said Daubeney for the same eight hundred dollars, and received a deed of conveyance therefor, from the said Daubeney; and, that since the deed of conveyance was made, the said Daubeney died wholly insolvent: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the title of the said John Brookbank in, and to the said tracts of land, be, and the same is hereby confirmed in him and his heirs, by virtue of the said deed of conveyance; and that his ti-

tle to the same shall, by virtue of this act, be as valid, in all respects, as it would have been if the said Daubeney, at the time of the making of the said deed, had been a citizen of the United States.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXII.

An Act to repeal an act incorporating the town of Greensburgh, in Decatur county, Indiana.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act incorporating the town of Greensburgh," approved February the fourth, 1837, and an amendment thereto, approved February 17th, 1838, be, and the same are hereby repealed: *Provided*, that nothing in this act shall affect existing contracts, or prevent the enforcement thereof; and for such purpose alone said corporation shall have an existence.

SEC. 2. This act shall be in force as soon as a copy is filed in the clerk's office of the Decatur circuit court, and it is hereby made the duty of the Secretary of State to forward a copy to said office, immediately.

CHAPTER CXXIII.

An Act to relocate the county seat of Clay county.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of the county of Clay, shall assemble in their several townships, at the usual places of holding elections, on the first Monday of August next, for the purpose of determining by ballot, whether or not they are in favor of re-locating the seat of justice of said county.

SEC. 2. Said election shall be governed in all respects by the laws now in force regulating general elections, and those voters who are in favor of re-location, shall write upon their tickets, "re-location," and those opposed to it shall write upon their tickets "no re-location," and it shall be the duty of the clerk of said county to certify the result of said election to the board doing county business, and if a majority of the voters are opposed to a re-location, then no further proceedings shall be had under the provisions of this

act, but if a majority shall be in favor of a re-location, the justices of the peace composing the board of commissioners of said county, are hereby appointed commissioners to re-locate the seat of justice of said county, and said commissioners shall meet at the town of Bowling Green in said county, on the third Monday of August next, or at such other times as they may think necessary, and after being sworn faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to locate said seat of justice, for said county, as near the geographical centre of said county as the situation of the land and the interest of the county will admit, taking into consideration donations as well as situation: *Provided, further*, that the location shall be made within one mile and a half of the centre of said county.

SEC. 3. That the said commissioners shall be, and they are hereby authorized to receive all donations of lands for the site of said seat of justice, and all donations which may be made to defray the expense of erecting the necessary public buildings for the use of said county, and take all necessary bonds and deeds to secure the faithful performance of any and all contracts.

SEC. 4. The said commissioners shall, after they have selected the site for said seat of justice, certify the same to the recorder of the county, who shall make a proper record thereof, and also deposit with the recorder all deeds, bonds, and other instruments in writing, which they may have received for the use of said county.

SEC. 5. That said board shall, at their first meeting, next after the seat of justice shall have been located and fixed in manner aforesaid, appoint a suitable person, resident and freeholder of said county as commissioner, to superintend the erection of said public buildings for the use of said county, as the said board doing county business may designate and direct, which said commissioner, when so appointed, shall give bond and security in the penal sum of five thousand dollars to the treasurer of said county, conditioned for the faithful discharge of his duty, which bond shall be made payable to the said county treasurer for the use of said county, and the treasurer is hereby made the judge of such security, and the said commissioner shall have power to receive any donations which may be made for the use of said county, for the purposes aforesaid, and the said commissioner shall receive such compensation as the board doing county business may allow, not exceeding one dollar and twenty-five cents per day, to be paid out of the treasury of said county.

SEC. 6. That any person or persons being the owner of any lot or lots in the town of Bowling Green in said county, previous to the passage of this act, and who shall feel him, her, or themselves aggrieved by the re-location of said county seat, may at any time within two years after the passage of this act, make application to the board doing county business in and for said county, to have said lot or lots valued, with the improvements thereon, by three disinterested persons, in the following manner, to-wit: the value of the lot or lots, with the improvements thereon previous to the removal of the seat of justice, and the value of such lot or lots with the improvements after such removal, and the difference shall be certified by said appraisers, whose duty it shall be to make return of such appraisement to the board doing county business for said county, and it shall be the duty of said board to issue county orders to the owner or owners of such lot or lots for the appraised amount of the difference aforesaid.

SEC. 7. So soon as the public buildings shall be completed, at the place designated, the same shall be the permanent seat of justice for Clay county, and all the courts of said county thereafter, shall be holden at such new site,

and until the completion of the buildings, all courts shall be holden in the town of Bowling Green in said county.

SEC. 8. That the sheriff of said county, shall notify the voters of said county, of the election authorized by the provisions of this act, by manuscript advertisements set up at the places of holding general elections in said county at least twenty days previous to the first Monday of August next.

SEC. 9. It shall be the duty of the inspectors of elections, in the several townships in said county, at the next August election, to open a separate poll for that purpose, which election shall be in all things conducted as general elections.

SEC. 10. This act to take effect and be in force from and after its passage.

CHAPTER CXXIV.

An Act to provide for the relocation of the seat of justice in the county of Crawford, and for other purposes.

[APPROVED, JANUARY 4, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John S. Davis of Floyd county, Samuel Hagins of Washington county, William S. Lamb of Perry county, Arthur J. Simpson of Orange, and John H. Smith of Spencer county, are hereby appointed commissioners to relocate the seat of justice in the county of Crawford.

SEC. 2. Said commissioners or a majority of them, shall meet at the town of Fredonia, in said county of Crawford, on the first Monday of March next, or at such other time as they may agree upon, and have power to adjourn from time time, as they may deem necessary. The commissioners, after being sworn faithfully to discharge the duties enjoined on them by this act, shall proceed to locate said seat of justice, for said county, at the most eligible site in said county.

SEC. 3. That the said commissioners shall be, and they are hereby authorized, to receive all donations, whether of property or money, sufficient in amount to defray the expense of building a court house, of not less value than the one in Fredonia, when new.

SEC. 4. The said commissioners are hereby authorized to receive, and take deeds of, any lot or lots of ground donated for the purpose contemplated in this act.

SEC. 5. The said commissioners shall, after they have selected the site for said county seat, certify the same to the recorder of said county, who shall make a proper record thereof; and also deposite with the recorder all deeds, bonds, or other instruments in writing, which they may have received for the use of said county.

SEC. 6. That the board doing county business for said county,

shall, at their first meeting next after the seat of justice shall have been so located and fixed in manner aforesaid, appoint three suitable persons, residents and freeholders of said county, as commissioners to superintend the erection of said court house for the use of said county, as the county commissioners shall designate and direct; which said commissioners, when so appointed, shall severally give bond and security, in the sum of five thousand dollars, to the board doing county business, conditioned for the faithful discharge of their respective duties, which bonds shall be made payable to the treasurer of said county; and the said last mentioned commissioners shall have power to receive any donations which may be made for the use of said county, and the same to sue for and collect, in their own names, for the use of said county, for the purpose aforesaid.

SEC. 7. The commissioners appointed in the first section of this act, are also authorized, and it is hereby made their duty, to procure a suitable room or rooms for holding all the courts of said county in, free of expense, (at, or as near the site selected for said county seat, as may be convenient) till said court house be completed; and which said site so selected by said commissioners, shall forever hereafter be the permanent seat of justice.

SEC. 8. The commissioners appointed in the first section of this act, shall receive the same compensation, and be paid in the same manner, as is provided in an act entitled an act to establish seats of justice in new counties, approved January 14th, 1824, and the said last mentioned commissioners shall receive such compensation as the board doing county business may allow, to be paid out of the county treasury of said county.

SEC. 9. This act shall take effect and be in force from and after its passage, and shall be published in the Indiana Journal or State Sentinel.

CHAPTER CXXV.

An Act to locate the seat of justice in Benton county.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Smiley of Tippecanoe county, William Coon of Jasper county, William Sill of White county, George Wolfer of Warren county, and Samuel Milroy of Carroll county, be, and they are hereby appointed commissioners agreeably to an act entitled an act to establish seats of justice in all new counties hereafter laid off. The commissioners aforesaid shall meet at the house of Basil

Justus, in said county of Benton, on the third Monday of May next, and after being duly sworn to perform all their duties assigned them by this act, according to law, shall proceed forthwith to locate the seat of justice of said county.

SEC. 2. It shall be the duty of the sheriff of Benton county, either in person or writing, to inform the commissioners aforesaid of their appointment, on or before the first Monday of April next, and for such services shall be entitled to such compensation as the law requires.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXVI.

An Act for the collection and settlement of the funds belonging to the "Delphi Insurance Company.

[APPROVED, FEBRUARY 13, 1843.]

WHEREAS, it is represented to this General Assembly, that the funds of the "Delphi Insurance Company" have been mismanaged, and [are] in danger of being lost to the stockholders, there being no one authorized to enforce collections and settlements of the same: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry B. Milroy of the county of Carroll, be and he is hereby appointed a special commissioner to wind up the business of said company. And that said commissioner have power to send for persons, books, and papers, and to compel the attendance of witnesses, to administer all necessary oaths, to employ counsel to assist him in the investigation of the condition of said funds, and to hear and determine all questions that may arise upon said investigation as to the indebtedness of any person or persons into whose hands said funds or any part thereof may have come, whether by receipt from the officers of said company, in any official capacity, as principal borrowers, or security, or otherwise, and make award of the same, as in case of arbitration.

SEC. 2. That, if upon making the award as aforesaid, (which shall be made in favor of said agent, for the use of the stockholders of said company) the debtor in such award shall make payment in full of the same, or secure the payment thereof to the satisfaction of such commissioner, (which payment, or other arrangement of such debt, shall be entered on the back of said award, and a copy thereof given to the debtor) [and] no other proceedings shall be had upon said award; but if any such debtor shall fail so to do, the said commissioner shall file a true copy of his award in the office of the clerk of

the circuit court of said county, who shall enter the same upon his docket, if desired to do so by said commissioner, as a suit in the name of the said commissioner for the use of said company against such debtor or debtors, and shall thereupon issue a *scire facias*, directed to the sheriff of said county, commanding him to summon such debtor or debtors to be and appear at the next term of said court, on the first day thereof, to show cause why judgment should not be rendered against him or them upon said award; and from the time of filing of said award the same shall be a lien upon the real estate of the debtor or debtors for the amount of the judgment which may be finally rendered, as in cases of transcripts from the dockets of justices of the peace.

SEC. 3. It shall be the duty of the said court to hear and determine the said *scire facias*, in the same manner and under the same regulations and restrictions as in other cases of *scire facias* issuing upon awards: *Provided, however*, that said commissioner and the said court, in case of a *scire facias* issuing upon the award, shall have power to examine the debtor or debtors under oath, or to demand an answer, under oath, to the complaint which may be filed against him or them by said commissioner, under the same rules and restrictions now prescribed by the law regulating the practice in chancery.

SEC. 4. Upon the filing of any such award, it shall be the duty of said commissioner to furnish the clerk with a list of such witnesses as may be necessary to sustain the action against the party or parties, so far as they may have come to his knowledge, and the clerk shall thereupon issue subpoenas for the same, as in other cases.

SEC. 5. Said commissioner shall sign duplicate receipts for all sums of money by him collected, one of which he shall give to the debtor, his agent, or attorney, and the other he shall file in the clerk's office, who shall carefully preserve the same for the use of the stockholders of said company; and shall also make a detailed report of all receipts and expenditures by virtue of his said appointment, at the request of any two stockholders, as often as once in three months, which shall also be filed in the clerk's office for the use of the stockholders, or any person or persons interested.

SEC. 6. In case the said commissioner named in this act shall neglect or refuse, or a vacancy otherwise happen in the commission hereby created, it shall be the duty of the board doing county business in said county, at their next or any subsequent term of their court, to fill such vacancy by the appointment of some other person, as such commissioner; and in any case, such commissioner shall, before entering upon the duties by this act assigned, take an oath faithfully and impartially to hear, and true awards to make, in all cases which may arise upon such investigation, and faithfully and impartially pay over all money coming into his hands as such commissioner, to the stockholders in their just proportion, according to the capital stock paid in.

SEC. 7. Said commissioner, on finally closing up said business,

shall deposite all books and papers necessary to show the true condition of the same in the clerk's office, so far as the same may come into his hands, for future reference.

SEC. 8. The stockholders, or a majority of those who, at any time, may be assembled on ten days' written notice by said commissioner, shall make such compensation, to be paid out of the funds of the company, to such commissioner, and the attorney he may employ, as they shall consider reasonable.

SEC. 9. It shall be the duty of the sheriff of said county, to serve all process which may be issued by said commissioner; and the said sheriff shall be paid, for such services, out of the moneys which may come into the hands of said commissioner, as such.

SEC. 10. The said commissioner, or the one appointed by the board of commissioners of said county, as contemplated in this act, before he shall receive any moneys from any of the debtors of said insurance company, shall give bond and security, to be approved by the said board of commissioners, in such penal sum as said board may direct, payable to the State of Indiana, for the use of the stockholders of said company, conditioned for the faithful application of all such moneys as may come into his hands, as such commissioner; which bond shall be filed, and carefully preserved, in the clerk's office of said county.

SEC. 11. But if the said commissioner shall be satisfied that a majority of the stockholders in said company are opposed to winding up the business thereof, then it shall not be lawful for him to proceed under the provisions of this act.

SEC. 12. This act to be in force from and after its passage.

CHAPTER CXXVII.

An Act for the regulation of the Graveyard at Lafayette.

[APPROVED, FEBRUARY 2, 1843.]

WHEREAS, the circuit court of Tippecanoe county in the State of Indiana, at the April term thereof, A. D. 1837, sitting as a court of chancery by a decree of said court, vested the title to a certain lot or parcel of land in the mayor and common council of the town of Lafayette, to be used and occupied as a grave yard for the benefit of the citizens of Lafayette, and a deed of conveyance was executed by a commissioner appointed by said court, for said ground, pursuant to said decree; and, whereas, the act incorporating said mayor and common council, and an act amendatory thereto, approved February 14, 1838, were, by a subsequent act of the General Assembly of the State of Indiana, approved February 11, 1840, repealed, and the said corporation thereby became extinct, and the legal title to said land vested in the State of Indiana, held however by her, for the use for

which it was by the decree aforesaid intended, that is, for the purpose of a grave yard for the benefit of the citizens of said town of Lafayette, and said citizens being desirous that said grave yard should be placed under the superintendence of a suitable agent to preserve the same from injury, and make such improvements and regulations as may be necessary to carry out the intention of said citizens: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the circuit court of said county of Tippecanoe, at its February term, 1843, and annually thereafter, and at any time whenever a vacancy shall happen, to appoint some suitable person agent of said grave yard; and it shall be the duty of the associate judges of said county in vacation, upon being notified of the death, resignation, or absconding of any agent appointed under the provisions of this act, to immediately meet and fill such vacancy; and a statement in writing signed by twelve householders of said town of Lafayette, setting forth the facts, shall be deemed sufficient notification to said associate judges.

SEC. 2. It shall be the duty of the agent to take charge of said grave yard. He shall procure and keep a register in which he shall record the name, age, and place of nativity, when practicable, of each person interred in said grave yard, and the number of the grave where interred.

SEC. 3. It shall also be the duty of said agent to lay off so much of said ground from time to time as may be required, into lots of the same quantity, and in the same manner of those heretofore laid out, for burying lots, carefully numbering the same, and the said lots to sell; the larger lots he shall sell each for the sum of two dollars, and the smaller lots at one dollar each, and shall receive no more therefor.

SEC. 4. Said agent shall preserve a register of all lots by him sold, in which he shall enter the names of each purchaser, designating the lot by such purchaser owned, which purchase shall vest in the purchaser, his heirs, and assigns forever, the use and occupation of such lot as a burying lot, and said register shall be evidence of the same, said agent shall also upon payment made for any lot, give to the purchaser a receipt therefor, and such lots shall be transferable by assignment on said register, and not otherwise: *Provided*, that it shall not be lawful for any one person, or body corporate, to become the purchaser of more than one lot.

SEC. 5. Said agent shall be allowed to receive for each grave by him, or under his superintendence, dug and filled up, the sum of two dollars, and no more, the same to be paid by the person or persons employing him.

SEC. 6. It shall be lawful for said agent to solicit and receive by voluntary contribution, such sums of money as may be necessary to place and keep said grave yard in a state of repair, and as soon as he can procure a sufficient fund, it shall be his duty to put and keep the same in such state of repair as in his discretion shall be proper.

SEC. 7. It shall be lawful for all persons who have heretofore purchased burying lots in said grave yard, to retain the same; and all persons having relatives interred in said grave yard, shall have the privilege of selecting burying lots containing the graves of such deceased relatives at the prices in this act required.

SEC. 8. It shall be the duty of said agent to make a report to the said circuit court, annually, exhibiting the amount of funds that may have come into his hands, and the manner, and for what purposes the same was ex-

pended, which report shall be by the clerk of said court entered at full length on the order book of said court.

SEC. 9. It shall be lawful for said agent to retain for his services all sums of money he may receive for digging the graves in said grave yard, and should the circuit court consider that said agent ought to receive a compensation for other services, it shall be lawful for said court to allow him to retain such sum as in its discretion shall seem just, out of any money in his hands received by voluntary contribution or otherwise.

SEC. 10. It shall be the duty of such agent, his executors, or administrators, to deliver over to his successor all books, money, and property belonging to his agency.

SEC. 11. It shall not be lawful for any person or persons, other than citizens of said town of Lafayette, to inter in said grave yard without the consent of said agent, nor shall any person who was not at the time of his decease a citizen of said town, be interred in said grave yard without such consent; it shall not be lawful for any person or persons, to enter within said grave-yard with any wagon, carriage, or other vehicle, except by the consent of said agent, nor shall any person without such consent, deface or injure any monument therein, or injure the fences, gates, or ornamental trees; and any person or persons offending against the provisions of this section, shall forfeit and pay the sum of fifty dollars, to be recovered in an action of debt before any justice of the peace within and for said county of Tippecanoe, to be prosecuted in the name of the agent for the time being, when such suit shall be instituted, and the justice shall issue execution thereon, if not immediately paid, and collect the same as other judgments; and the money when collected, shall be paid over by such justice to the said agent, who shall apply the same, and account therefor to the said circuit court as other moneys that may come into his hands as such agent, and in all prosecutions under this section, the said agent shall be taken and deemed a competent witness, and the person or persons offending as aforesaid, shall also be liable in a civil suit to any person aggrieved.

SEC. 12. It shall be the duty of such agent, previous to entering upon the duties of his trust, to take an oath, to be administered by the clerk of said circuit, or some justice of the peace, that he will faithfully discharge his duties as such agent, and truly account for all moneys that may come into his hands as such agent, and shall also give bond to be approved of by said court, or said associate judges, payable to the State of Indiana, in such sum as the said court or associates shall require, conditioned for the faithful performance of his duties as such agent, and truly account for all sums of money that may come into his hands as such agent, and all sums of money recovered upon any such bond shall be applied to the improvement of said grave yard; and it shall be lawful for the successor of any agent who shall have committed a breach in his bond, to bring suit on such bond, prosecute the same in the name of the State of Indiana, and receive all sums of money recovered, and account for the same to said court, as other moneys that may come into his hands by virtue of his agency; it shall be the duty of the clerk of said court to take charge of said bond upon its being approved, and the same safely keep.

SEC. 13. This act shall be taken and deemed a public law, and shall be in force from and after its publication in the Tippecanoe Journal, and Lafayette Free Press, or some other newspaper printed and published in said town of Lafayette.

CHAPTER CXXVIII.

An Act to establish a Board of Trustees of the County Library of the County of Marion.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Marion, shall, at their September term, in the year 1843, appoint nine electors of said county, trustees of the county library of said county of Marion; of whom three shall be appointed for one year, three for two years, and three for three years. And the said board shall annually thereafter, at their September term, appoint three electors of said county as such trustees for the term of three years, and shall fill all vacancies in the interim, as they may occur.

SEC. 2. The said trustees and their successors shall, before entering upon the duties of their office, each take an oath or affirmation, before some person authorized to administer the same, that they will faithfully perform the duties of their office, which shall be endorsed on their certificate of appointment.

SEC. 3. Said trustees shall elect one of their own number to be president at their meetings, and the president and trustees appointed as aforesaid, are hereby made a body politic and corporate, with perpetual succession, by the name and style of the "president and trustees of the Marion county library," and shall in their corporate capacity be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of justice, and to make and use a common seal, and the same to change and alter at pleasure.

SEC. 4. The president and trustees qualified in manner aforesaid, shall elect by ballot, a librarian and treasurer, and such other subordinate officers as they may deem necessary, and may remove any such officer at their pleasure, and shall have power at all times to make such by-laws, ordinances, and regulations in writing, not inconsistent with the constitution and laws of this state and of the United States, as may be necessary for the government of said institution. The treasurer shall give bond with such security as the said president and trustees shall require.

SEC. 5. Said president and trustees are authorized to demand and receive, upon their order, all moneys that may be paid to their treasurer, for the use and benefit of said library, and lay out the same in the purchase of books, maps, &c., and such other property, real and personal, as they may deem necessary, or loan the same, or a part thereof, on good freehold security, as they may think conducive to the advancement and interest of said corporation: *Provided*, that said corporation shall not in their corporate capacity, at any time, hold more than the value of three thousand dollars, in real and personal estate and money, books excepted.

SEC. 6. A majority of said trustees shall be necessary, at any meeting, to constitute a quorum to transact business; and in case of the absence of the president, said trustees shall appoint one *pro tempore*. The books of said library shall never be liable for any debts of the county, or be subject to seizure by execution, or otherwise.

SEC. 7. The president and trustees of said county library now in office, shall be subject to and governed by the provisions of this act, and shall deliver over to their successors in office all books, records, papers, property, money, or effects belonging to said corporation that may be in their hands.

SEC. 8. This act to take effect from and after its passage.

CHAPTER CXXIX.

An Act to repeal an act extending the provisions of certain acts to Grant county.

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of an act entitled, "an act to extend the provisions of certain acts therein named to the county of Grant," approved January 2d, 1841, be, and the same are hereby repealed.

SEC. 2. The tax levied and collected in the several townships in said county, under the act to which this is an amendment, shall be appropriated by the board doing county business in said county for the use of said townships from which the same was so levied and collected.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXXX.

An Act to amend an act entitled, "an act to change the town of Jeffersonville," approved January 3, 1817, and for other purposes

[APPROVED, FEBRUARY 3, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the mayor and common council of the town of Jeffersonville shall have full power, and they are hereby authorized to convey to all persons, their heirs, assigns, or legal representatives, who may be justly entitled to the same, and who have not availed themselves of the benefit of the above recited act, to convey to all such persons by

deed in fee-simple, the lot or lots to them respectively allowed under the provisions of the act aforesaid.

SEC. 2. That when any street in any square shall have been graded, paved, or McAdamized, the mayor and common council shall have power and authority, where they think public interest require it, to cause and procure the side walks of the same to be graded and paved with stone or brick, and to apportion the costs and expenses among the owners of lots, or parts of lots, fronting thereon, and a lien is given on the lots or parts of lots for the same, and the costs and expense accruing under the provisions of this act shall be listed and collected in like manner as that for grading, paving, and McAdamizing.

SEC. 3. The owners of property shall have the privilege of grading and paving the side-walks in front of their property, but if they do not in a reasonable time, (and the mayor and common council shall be the proper judges of that time,) proceed to do said work as required by them, then the same shall be done agreeably to the provisions of the second section of this act.

SEC. 4. That all lots or parts of lots sold under the provisions of this act, shall be governed in all respects, so far as relates to the sale of such lots or parts of lots, by the sixth section of an act entitled, "an act to amend an act entitled, an act to incorporate the town of Jeffersonville," approved February 22d, 1840.

SEC. 5. That at the future elections for town officers, it shall not be necessary to keep separate polls for the candidates for each office, unless the mayor and common council shall otherwise direct.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CXXXI.

An Act to vacate the town of New Lexington in Grant county.

[APPROVED, FEBRUARY 7, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town plat of the town of New Lexington, in the county of Grant, be, and the same is hereby vacated: *Provided, however,* that the interest of no person shall be prejudiced by the vacation of said town plat as aforesaid.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXII.

An Act to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of Fund Commissioner and Chief Engineer, approved Jan. 28th, 1842.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Madison and Indianapolis railroad be surrendered to the Madison and Indianapolis Railroad Company, in the manner and agreeably to the provisions of this act.

SEC. 2. That it shall be the duty of said company to keep a fair statement and account of the receipts and expenditures on the portion of said road finished by the State, and proposed to be surrendered by this act, and transmit a true statement of the same to the Auditor of Public Accounts quarterly, and shall faithfully invest the State's portion of the nett income of said finished portion of the road in the stock of said company, agreeably to the provisions of the act to which this is an amendment. Proper certificates of which stock shall be deposited with the Auditor of Public Accounts.

SEC. 3. That it shall be the duty of the agent of the State having charge of said work, forthwith, after the taking effect of this act, to invest in the stock of said company the State's portion of the money in his hands, and shall deposit certificates of stock for the same with the Auditor of Public Accounts, and shall pay over to said company, such portion, (if any) of said income as may be going to said company under the provisions of the act to which this is amendment.

SEC. 4. That it shall be the duty of the said agent to make out a fair schedule of all sums due the State for freight, transportation, or other earnings of said road, and deposit the same, together with all books, vouchers, and other necessary papers, with the Auditor of Public Accounts, whose duty it shall be forthwith to place the same in the hands of some proper agent for collection, and when so collected shall be vested agreeably to law.

SEC. 5. That it shall be the duty of the former agents on said road, in like manner, to deposit with the Auditor, a true statement of all debts due the State for freight, &c., which shall be collected and disposed of as aforesaid.

SEC. 6. That so soon as the Madison and Indianapolis Railroad Company, shall file with the Governor the assent of the board of directors, to so much of this act as relates to said company, and shall also file the bond of said company, with satisfactory security, for the faithful application of the income of said road, until the year, 1846, agreeably to the charter, it shall be the duty of the Governor to issue his order to the agent having charge of said road to deliver over to said company, on a day to be named in such order, all and every

part of said road of which he has charge, with all the fixtures, cars, locomotives, depots, toll-houses, and other property and appendages, belonging to the State and appertaining to said road; and from the time fixed for the surrender of said road as aforesaid, the duties of the agent having charge of said work shall cease, and said office shall be abolished.

SEC. 7. That it shall be the duty of the several agents appointed to take charge of any of the public works to make hereafter returns to the Auditor of Public Accounts, quarterly.

SEC. 8. This act to take effect and be in force from and after the filing with the Secretary of State the assent of the board of directors of the Madison and Indianapolis Railroad Company, (under the signature of the president and secretary and the seal of the company) to the provisions of this act. That so much of any act as is inconsistent with this act, be, and is hereby repealed.

CHAPTER CXXXIII.

An Act to amend an act entitled, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis rail-road company, [approved January 20th, 1842.]

[APPROVED FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privilege of payment of the debts remaining due from the mortgagers to the Lawrenceburgh and Indianapolis rail-road company, in the manner prescribed in the act entitled, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis rail-road company, approved 20th January, 1842, be, and the same is hereby extended until the first day of January, 1844, on the condition that the mortgagers desiring such delay shall give security to the satisfaction of the Auditor and Treasurer of State, for the payment of their respective debts at the time above specified, with all interest and charges that may have accrued thereon.

SEC. 2. If such security is not given within thirty days after the adjournment of this General Assembly, the Treasurer of State shall proceed to sell all such delinquent mortgages, in the manner, and for payments to be made, as in the act to which this is an amendment, is provided.

SEC. 3. In all such cases of sale, if the mortgager shall not be in arrear for interest due on his mortgage, the sale shall be only of the interest of the State in and to such mortgage and the accompanying bond, and the assignment of the Auditor thereon, shall vest in the assignee all the rights of the State to collect and recover by suit, fore-

closure, or otherwise, all interest, principal, damages, and cost that may have or shall accrue thereon.

SEC. 4. In all cases of sale, where the mortgager shall be in arrear for interest due on his mortgage, it shall be the duty of the Treasurer of State to sell the fee of the land mortgaged, in the manner and for the payments as prescribed in the act to which this is an amendment, and the Auditor of State shall execute a deed to the purchaser, which shall vest the title to said premises in him.

SEC. 5. Immediately after the sale of all such mortgages as fail to give the security required, for delay shall have taken place, the Treasurer of State shall assess upon the remaining mortgages *pro rata*, the amount of any loss that may have been sustained thereby, being the difference between the whole amount due on such delinquent mortgages, and the whole amount of the proceeds of said sales; and the amount so assessed shall be paid by the mortgagers in proportion to their mortgages. And, thereupon, the Treasurer and Auditor may proceed to release and discharge all such mortgages as shall have fully paid all principal, interest, damages, costs, and proportion of loss aforesaid.

SEC. 6. Whenever any mortgages, extended under this act, shall become due and shall remain unpaid, the Treasurer of State shall proceed to sell the same on the premises mortgaged, in the manner prescribed in the preceding sections, and in case the same shall fail to produce the amount required, he shall proceed to collect the residue from the securities taken as aforesaid.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIV.

An Act to vacate a certain alley in the town of Delphi.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the alley running south from front street, and dividing lots numbered ten and eleven, thirteen and fourteen, seventeen and eighteen, in the south addition to the town of Delphi, in Carroll county, be, and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXV.

An Act to authorize Rice Davis to make a deed.

[APPROVED JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Rice Davis, a minor, of the county of Floyd, be, and he is hereby vested with power in his own name to make and deliver a deed of conveyance to the Mount Tabor Presbyterian church in said county, of any and all lands sold by his father before his death to said church, on said church in all respects complying with, and executing the contracts or agreements on its part in relation thereto.

SEC. 2. That such deed or deeds shall not be valid until sanctioned by Francis A. Hutcherson, the half brother of said Rice, which sanction shall be evidenced by the written acknowledgment on such deed, under seal of said Hutcherson; and such deed or deeds made by said Rice, with the approbation of said Francis, shall be as valid to all intents and purposes, as if said Rice had been of full age at the time of making the same.

SEC. 3. This act shall take effect be in force from and after its passage.

CHAPTER CXXXVI.

An Act to repeal an act therein named, approved January 14th, 1837, to provide for the electing of a justice of the peace in Owen county, and for electing one in Vienna, in Scott county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the second section of an act providing for the electing of a justice of the peace to reside in the town of Vienna, approved January 14th, 1837, be, and the same is hereby repealed, and the provision thereof extended to the township of Vienna in Scott county.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CXXXVII.

An Act to amend an act therein named.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners for the county of Franklin, at their sitting when they determine the amount of tax for county purposes, if in their opinion the interest of agriculture in said county will be promoted thereby, be, and they are hereby authorized to suspend the operation of an act for the preservation of sheep, approved January 25th, 1841, so far as said act applies to said county of Franklin; such suspension to continue for one year only, unless renewed by them from year to year.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXVIII.

An Act declaring certain names a misprint, and for other purposes.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the names of Ladig Rons and Benjamin Detruz, in the first section of an act entitled, "an act relating to the trustees of Vevay Seminary," approved January 18th, 1842, are hereby declared to be misprints, and that the names of Ladig Rons and Benjamin Detruz were intended to be Zadig Rons and Benjamin Detraz.

SEC. 2. *Be it further enacted,* That all proceedings done and performed under the provisions of the above recited act, be, and the same are hereby legalized.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIX.

An Act to vacate Oak street and certain alleys in the town of Charlestown in the county of Clarke.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Oak street in the town of Charlestown in the county of Clarke, from its intersection with Water street to the southeastern boundary of said town, together with the two alleys leading from said Oak street to Monroe street, be, and the same are hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXL.

An Act giving further time to the treasurer of Perry county.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county treasurer of Perry county shall have until the third Monday in April, eighteen hundred and forty-three, to make settlement of, and pay over to the Treasurer of State of the State of Indiana, the state revenue due from the county of Perry for the years 1841 and 1842; and that he be governed in all other respects by the laws now in force relative to the collection of state and county revenue.

SEC. 2. This act to take effect and be in force from and after its passage, and publication in the Indiana Journal.

CHAPTER CXLI.

An Act to vacate the town of Marion, in Lagrange county.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Marion, in Lagrange county, be, and the same is hereby vacated.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CXLII.

An Act to authorize the Agent of State to "sign off" under the bankrupt law for the discharge of Woram and Haughnet, or either of them.

[APPROVED, FEBRUARY 10, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Michael G. Bright, Agent of State, be, and is hereby authorized and empowered, in the name and for the State of Indiana, to sign off, or give the assent of said State, to the taking of the bankrupt law by Woram and Haughnet, or either of them, (debtors of the State of Indiana) upon their paying a certain note of three hundred dollars, held by the State against them, if, in the opinion of the Agent of State, no loss or injury will result to the State by so doing.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXLIII.

An Act to authorize the County Board of the county of Daviess, to appoint an agent to collect any funds due the late trustees of the town of Washington, and for other purposes.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business for the county of Daviess, be, and they are hereby authorized to appoint an agent to collect all moneys or effects due the late president and trustees of the town of Washington for and in the name of the State of Indiana, and the said agent when appointed, shall have power to receive, collect, or sue for all books, papers, moneys, or effects, due to, or in the hands of the aforesaid president and trustees, or any other person.

SEC. 2. The moneys as hereinbefore provided, when collected by said agent, shall be applied to the improvement and repair of any of the streets, or to the county seminary in the town of Washington, and said agent shall apply the same as may be directed by the county board.

SEC. 3. The agent authorized to be appointed by the provisions of this act shall enter into bond and security in the penal sum of five hundred dollars to the acceptance of the county board, and shall take an oath or affirmation, well and truly to discharge his duties according to the provisions of this act.

SEC. 4. The board aforesaid, shall determine the compensation to said agent, not to exceed one dollar per day, for each day he may be employed to be paid as the county board may direct.

SEC. 5. This act to take effect and be in force from and after its passage, and the Secretary of State shall furnish a copy of this act to the county auditor of the county of Daviess.

CHAPTER CXLIV.

An Act to authorize the purchase of land for water power in the town of Logansport,

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the administrators of John Tipton, deceased, be, and they are hereby authorized to sell and convey to the State of Indiana, sufficient ground for the erection of a mill, and for a mill yard at the lock, in the town of Logansport, Cass county, Indiana, at its appraised value.

SEC. 2. That said administrators shall select one appraiser, the commissioner of the Wabash and Erie canal east of Lafayette, another, and said two appraisers shall select a third, who shall proceed to appraise the same, under oath, at its true cash value, and file the appraisement in the Cass probate court.

SEC. 3. The commissioner of the Wabash and Erie canal east of Tipton, be, and he is hereby directed to credit said estate for interest due on any canal lands owned by said estate, if said premises are in his opinion appraised at a fair value, and take therefor a deed for said premises, all of which proceedings shall be reported to the Cass probate court for approval and confirmation: *Provided*, said commissioner shall not acquire for the State by the provisions of this act, more than one acre of land.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CXLV.

An Act to provide for the collection of the tax on Bank Stock in the county of Dearborn.

[APPROVED, JANUARY 31, 1843.]

WAEREAS, it appears that the act of the 29th of January, 1842, entitled "an act for taxing individual stock in the several branches of the State Bank of Indiana, and for other purposes," was not received in the county of Dearborn in time for the assessment of said tax in that county, in consequence whereof, the said tax for the year eighteen hundred and forty-two was not collected: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the assessor of the county of Dearborn, be, and is authorized and directed to proceed with diligence to assess the taxes on taxable bank stock in said county, for the year eighteen hundred and forty-two, and to enable him to complete his assessment, he shall obtain from the cashier of the branch of the State Bank at Lawrenceburgh, the names of the owners of stock in said branch, who are residents of the county of Dearborn, and, also, the names of non-residents of the State, owners of stock in said branch, and the amount of taxable stock owned therein by each of said stockholders. The assessor and cashier aforesaid, shall be governed in the premises, by the provisions of the act in the preamble to this act mentioned, and the cashier, on failure, or refusal to furnish a list of said several names and amounts of taxable stock, shall incur the penalty prescribed by the third section of the act aforesaid.

SEC. 2. That when said assessor shall have made his assessment aforesaid, he shall deliver a list or schedule thereof to the county auditor, as a supplement to his general assessment roll; and the auditor shall furnish a duplicate thereof to the county collector, whose duty it shall be to deliver a true copy thereof to the cashier of the said branch bank, and thereupon the tax set down in said duplicate against the stock of each owner thereof, shall be a lien upon future dividends accruing thereon, till such tax shall be paid and satisfied.

SEC. 3. That it shall be the duty of the cashier aforesaid, under the penalty described in the second section of this act, to retain from the owner of each portion of said taxable stock, so much of the next dividends of profits thereon as shall satisfy and discharge the tax then unpaid on the taxable stock of such owner, and he, the cashier, shall pay over the said taxes to the collector aforesaid, who shall pay to the State Treasurer so much thereof, as he shall have collected for state purposes, and shall place the remainder in the county treasury, subject to the order of the county auditor, for county, road, and for other purposes.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXLVI.

An Act to facilitate a final settlement of the accounts of Milton Stapp as Fund Commissioner.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That if the other liabilities of Milton Stapp to the State can be arranged to the satisfaction of the Agent of State, the said Agent is hereby authorized to relinquish to said Stapp the lands in controversy in the suit now pending between the State and said Stapp, the said Stapp returning to said Agent, in place of the Wyo-

ming bond, state bonds of equal amount, which the State has legally parted with.

SEC. 2. This act to be in force from [and after] its passage.

CHAPTER CXLVII.

An Act to authorize the board doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes.

[APPROVED, FEBRUARY 9, 1843.]

WHEREAS, it has been represented to this General Assembly, that the record book of deeds, marked letter A, in the recorder's office of the county of Clay, has been badly written and with ink that is likely to fade: And, whereas, the board doing county business in said county, have procured a blank book of proper size for the purpose of having the same transcribed: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Clay, be, and they are hereby authorized to contract with some competent person to transcribe the record book of deeds, marked letter A, in the recorder's office of the county of Clay.

SEC. 2. That when the said record shall be correctly transcribed, it shall be as legal and valid, to all intents and purposes, as if the same had never been recorded in book letter A, of the records of said county; and the expenses incurred in transcribing said record book shall be paid out of any funds in the treasury of said county not otherwise appropriated.

SEC. 3. That the county commissioners of the county of Henry, be, and they are hereby authorized to allow the recorder of said county a reasonable compensation, to be paid out of the county treasury for indexing the records in his office, in accordance with the fifth section of an act defining the duty of recorders, approved February 17th, 1838, so soon as they shall be satisfied that such indexing has been completed.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXLVIII.

An Act to authorize the board of commissioners of Grant county to rescind an order made upon their record.

[APPROVED, FEBRUARY 11, 1843]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of county commissioners of Grant county be, and they are hereby authorized and required, at their next session after the passage of this act, to rescind an order made upon their record, authorizing and instructing the agent of the surplus revenue of Grant county to deposit said fund, with all the notes, mortgages and liens, in the State Bank.

SEC. 2. That James L. Hogin of said county of Grant, be, and he is hereby appointed commissioner of the surplus revenue, and is authorized, after giving bond, in pursuance of the laws now regulating the surplus revenue, and required to demand and receive from the Branch Bank of the State of Indiana, at Fort Wayne, the said surplus revenue, together with all the mortgages, notes, and all money, and liens, and when so received the same shall be loaned and collected, in the same manner as if said order had never been made.

SEC. 3. This act to be in force from and after its passage, and shall be published in the Marion Democratic Herald.

CHAPTER CXLIX.

An Act to authorize the Board of Commissioners of the county of Tippecanoe to sell the poor house farm of said county.

[APPROVED, JANUARY 23, 1843.]

WHEREAS, The board of commissioners of the county of Tippecanoe, in the State of Indiana, two years ago, purchased a large tract of land, six miles from the town of Lafayette, for a poor house farm, paying therefor upwards of two thousand dollars: *And, whereas*, said farm, owing to its situation and the distance from the county seat, has failed to answer fully the design for which it was purchased, and it would conduce greatly to the interests of said county to sell and convey the same, and invest the proceeds thereof in a more convenient place: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That said board of commissioners be, and they are hereby fully authorized to sell and convey said poor house farm; which con-

veyance when made by said board shall vest the title in said premises, in the purchaser thereof, and his heirs and assigns forever, in fee simple.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CL.

An Act for the relief of the tax payers of Franklin township, Washington county, Indiana.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business for Washington county, be, and they are hereby directed to equalize the apportionment of the lands in Franklin township in said county of Washington, so that said valuation shall compare with the valuation of lands in other portions of said county.

SEC. 2. This act shall be in force from and after its passage, and a certified copy of the same filed in the clerk's office of said county.

CHAPTER CL.

An Act declaring a certain name a misprint, and for other purposes.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Simon Slawson in the first section of an act entitled "an act respecting a county seminary, and the seminary funds of the county of Switzerland," approved, January 19th, 1828, is hereby declared a misprint, and that the name of Simon Slawson was intended to be Simeon Slawson.

SEC. 2. *Be it further enacted*, That all proceedings done and performed under the provisions of the above recited act be, and the same are hereby legalized.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLII.

An Act to change certain alleys in the town of Eaglevillage, in the county of Boone.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley running north and south on each side of Michigan street, in the town of Eaglevillage, in the county of Boone, and immediately in the rear of the front tier of lots in said town be, and the same is hereby vacated.

SEC. 2. That ten feet of the rear end of the whole of the second tier of lots on each side of Michigan street, in said town of Eaglevillage, shall constitute an alley upon each side of said street, of the same length and width, and running parallel with the alleys vacated by the first section of this bill.

SEC. 3. That the alley running east and west, between blocks number fifteen and sixteen in said town be, and the same is hereby vacated.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLIII.

An Act supplemental to the act authorizing a subscription for the history of Indiana.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That as soon as the history authorized to be subscribed for by the State Librarian, by the act to which this is supplementary, shall be published and ready for delivery, the same shall be deposited with the Secretary of State, who shall give to the publisher a certificate thereof, which, upon presentation to the State Treasurer, shall entitle him to the subscription price thereof: *Provided*, that so soon as the first volume shall be published it may be delivered as aforesaid.

SEC. 2. It shall be the duty of the Secretary of State to transmit said history to the county libraries and county seminaries at the time that the laws and journals are distributed, next after the publication of said history, and he shall, at the same time draw upon the respective county libraries and county seminaries, for the subscription price of said history, in favor of the county treasurer of the proper county, whose duty it shall be to collect the same and pay it into the State Treasury.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLIV.

An Act authorizing a subscription for the History of the State of Indiana.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State Librarian be authorized to subscribe for one copy of John B. Dillon's history of Indiana, for each county seminary, and for one copy for each county library in this State, and the trustees of each county seminary shall pay to the said John B. Dillon, or to his agent, the price of said copy when delivered to them, out of the fund belonging to such seminary; and each county librarian, or person having custody of the county library fund, shall upon delivery to him of a copy of said work, pay for the same in like manner out of the fund of such library.

SEC. 2. That the price at which the State Librarian is authorized to subscribe for said history, shall not exceed four dollars per bound copy, and the State Librarian shall give to said John B. Dillon a certificate of the price agreed upon by the subscription aforesaid, which certificate shall be exhibited by the said John B. Dillon, or his agent authorized to receive payment, to the several persons hereby authorized to make the same, for their information and guidance.

SEC. 3. That the State Librarian be authorized to subscribe for forty-five copies of said history, to be deposited in the State Library, subject to the orders of the General Assembly; and when said copies shall be delivered to him, he shall draw upon the Treasurer of State in favor of the said John B. Dillon, or of his order, for the amount of the price thereof, and the said Treasurer shall pay the same out of any moneys in the Treasury not otherwise appropriated.

CHAPTER CLV.

An Act amendatory of an act entitled "an act to authorize the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county," approved, January 29, 1842.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the present, or any future administrator of the estate of said Matthew H. Kempton deceased, shall be at liberty to take a change of venue in the administration of said estate to the county of Perry.

SEC. 2. It is hereby made the duty of the judge of probate in the county of Spencer, to award such change of venue at the next, or any subsequent term of the Spencer probate court, upon the application of the administrator of said estate.

SEC. 3. It is hereby made the duty of the clerk of the probate court of Spencer county, with as little delay as possible, after a change of venue shall

have been taken, to enclose in a sealed envelope all the papers of every description on file in his office, that in any way appertain to the administration of said estate, together with a copy of all orders and entries of the probate court of Spencer county, made in the administration of said cause, and to direct them to the clerk of the probate court of the county to which a change of venue is taken, and deliver them to the said administrator, to be by him transmitted to said clerk.

SEC. 4. It is hereby made the duty of the probate court to which a change of venue in said administration is taken, to hear and determine the same in all respects the same as if the administration had originally been granted by said court.

SEC. 5. The administrator of the estate of said Matthew H. Kempton, is hereby authorized to take possession of all real estate of which the said Kempton died seized, and to bring suits either at law, or in equity, in his own name as administrator, to recover the possession of any real estate belonging to said decedent at the time of his death, whether held by legal or equitable title, whenever such suit may become necessary; and the circuit or probate court in which such suit may be brought, shall hear and determine the same in all respects, the same as if suit had been brought by said decedent in his life time.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CLVI.

An Act in relation to the town of Laporte.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person or persons who shall permit any horse, cattle, or hog, owned or kept by him or them, to run at large within the corporate limits of said town, contrary to any ordinance or direction of the corporate authorities of said town, shall be fined in any sum not less than twenty-five cents nor more than five dollars.

SEC. 2. That any person or persons who shall wilfully, intentionally, or negligently injure, deface, or destroy any of the public or private property in said town, or any fence around any of the public squares therein, or around [any] enclosure kept and used, or intended so to be, for impounding animals taken up by the authority of said town, shall forfeit and pay a fine of not less than one dollar, and not exceeding three times the amount necessary to repair the injury done.

SEC. 3. The corporate authorities of said town of Laporte, are hereby authorized and empowered to pass, enact, and enforce, any and all laws necessary for the government of said town, and to prevent nuisances and annoyances to the people thereof, and to pre-

vent any and all animals running at large therein, and all fines and forfeitures imposed by the act of incorporation of said town, or by any ordinance of the trustees thereof, or by this act, shall be recoverable before any justice of the peace of said town or township, by action of debt or in any other form of action; and all actions brought by said trustees shall be brought in their corporate name.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLVII.

An Act extending the provisions of an act authorizing the recorder of Noble county to correct the records of said county in a certain case therein named, approved January 29th, 1842.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Wesley White, recorder of Noble county, is hereby authorized to make a correction on page number sixty-nine, in book number one, of the records for Noble county, so far as relates to the recording of the plat of the town of Augusta in said county.

This act to take effect and be in force from and after its passage.

CHAPTER CLVIII.

An Act to continue in force a certain act therein named.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That nothing contained in any laws of the present session of the General Assembly shall be so construed as to repeal an act entitled an act to keep in repair the Cumberland and Michigan roads, approved January 31st, 1842.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLIX.

An Act to change the name of John Cade alias John Mitchell.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of John Cade, *alias* John Mitchell, the adopted son of Robert Cade of Deer creek township, Carroll county, Indiana, be, and the same is hereby changed to the name of John D. Mitchell, and by the said name he shall be known and recognised and shall enjoy all the rights and privileges, both in law and equity, to which, in any way, he would otherwise be entitled.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLX.

An Act to change the name of Luther Thomas Griffing to Luther Thomas Martin.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Luther Thomas Griffing, of Monroe county, be, and the same is hereby changed to Luther Thomas Martin, by which last name he shall hereafter be ever known and called.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXI.

An Act to change the name of Henry Harrison Collins of Greene county.

[APPROVED, FEBRUARY 7, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Henry Harrison Collins, of Greene county Indiana, be, and the same is hereby changed to Henry Harrison Dixon.

SEC. 2. This act to take effect and be in force from and after its publication.

CHAPTER CLXII.

An Act to change the names of Jay Thompson and Mary Elizabeth Lee.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Jay Thompson be changed to that of Jay Thompson Wakefield; and, also, that the name of Mary Elizabeth Lee be changed to that of Mary Elizabeth Wakefield.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXIII.

An Act to change the name of William Todhunter.

[APPROVED, FEBRUARY 6, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of William Todhunter, of Allen county, be, and the same is hereby changed to William T. Hunter, and that all signatures made by him in that name are hereby legalized.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXIV.

An Act consolidating certain school districts in Hancock county.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That school district number three, township number fifteen north, of range number seven east, and district number four in township number sixteen north, of range number seven east, in Hancock county, are hereby declared to be one and the same district, and shall be known and designated as the "Greenfield school district," and all the rights and duties of said districts are granted and imposed on the said district as is in this act formed.

SEC. 2. That the citizens of said Greenfield school district shall use and occupy the county seminary of said county until the seminary trustees of

said seminary may wish to use and occupy said house for seminary purposes: *Provided, however*, that the inhabitants of said Greenfield school district shall place said house in a condition to be used; and the inhabitants of said district shall in the repairing and improving said seminary for said school purposes, contribute money, or labor, as is required in cases of building and repairing of common school houses.

Sec. 3. That the present trustees of said school districts number three and four, shall act as trustees of said Greenfield school district, until their term of service shall expire, after which time there shall be but three trustees for said district, who shall be elected in the same manner as if the said districts number three and four aforesaid, had not been consolidated by this act. Nothing in this act shall be so construed as to affect the rights of any of the inhabitants of the districts hereby consolidated; all laws and parts of laws coming within the purview of this act are hereby repealed.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CLXV.

An Act in relation to county Seminaries.

[APPROVED, FEBRUARY 11, 1843.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the citizens of the school district in which is situate the town of Nashville, the county seat of Brown, may, by a vote of a majority of the legal votes of such district, adopt the district school house as a county seminary.

Sec. 2. Should they desire to take such vote, the district trustees shall, at the request of any five citizens, give public notice three weeks thereof, by written advertisements put up in three public places therein, and when the votes are thus cast, if a majority shall adopt said district school house, the district trustees shall have the same recorded in the recorder's office of said county.

Sec. 3. After which, said seminary shall be upon the same footing, and entitled to the same privileges as other county seminaries in this State.

Sec. 4. Said citizens shall proceed in the same manner as all other elections are held for school purposes.

Sec. 5. And all moneys coming to, or that may at any time hereafter be coming to any county seminary, under the provisions of the constitution of this State, shall be then and there paid over to such adopted county seminary, or to the trustees thereof, who may be the same as may hereafter be appointed, or elected for that purpose.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER CLXVI.

An Act to authorize the School Commissioner of the county of Boone to redeem certain certificates therein named.

[APPROVED, FEBRUARY 2, 1843.]

Whereas, at the November term of the Boone circuit court, in the year 1839, judgment was rendered against some twelve or fifteen tracts of land in the county of Boone, for delinquent taxes, and the school commissioner proceeded to sell said lands on the 24th day of February, 1840, and gave certificates of purchase; and, *whereas*, the original owner of one of the said tracts of land, appealed from the judgment of the said circuit court, to the supreme court, and said judgment was there reversed: *therefore*,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel S. Strong, school commissioner of the county of Boone, or his successor in office, be, and he is hereby authorized to redeem all the certificates given by the school commissioner of the county of Boone, for lands by him sold by virtue of his office, on the 24th day of February, 1840, out of the interest of the surplus revenue funds when received from the surplus revenue fund agent.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXVII.

An Act to legalize the proceedings of the trustees and citizens of school district number four, in township number ten north, of range number five east, in Bartholomew county.

[APPROVED, FEBRUARY 9, 1843.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of Joseph H. Vanmeter, Samuel Brown, and John A. Speers, trustees of school district number four, township number ten north, of range number five east, in Bartholomew county, together with the actings and doings of the inhabitants of said district, as the same are recorded on the books of said trustees in reference to the selection of a site on the south end of the west half of the north west quarter of section number twenty-five in said township, for the location of a school house in said district, and the levying a tax upon the inhabitants to build the same, be, and the same are hereby legalized, and made valid and obligatory upon said inhabitants.

Sec. 2. *Be it further enacted*, That said trustees be, and they are hereby empowered and authorized to progress to the completion of

said house, as though all their previous proceedings had been according to the requirements of the existing laws in relation to district schools.

SEC. 3. *Be it further enacted*, That said trustees shall have full power and authority to levy such tax, and collect the same, as is now authorized by existing laws, for the completion of said school house.

SEC. 4. This act to be in force from and after a certified copy shall be filed in the clerk's office of said county.

CHAPTER CLXVIII.

An Act relative to School taxes in Noble and Lagrange counties.

[APPROVED, FEBRUARY 7, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a majority of the taxable voters in any school district in the counties of Noble and Lagrange be, and they are hereby authorized, by a vote to be given at any regularly called school meeting of their district, to decide that a tax shall be levied upon the taxable property of said district sufficient to build a school house therein; and upon such decision being made by said voters, the trustees of said district shall levy and collect said tax as other taxes for school purposes are by law authorized to be levied and collected in all respects, except as to the amount thereof.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXIX.

An Act for the relief of School district number two, in township number thirty-five and thirty-six north, of range number two west, in the county of Laporte.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of school district number two, in townships number thirty-five and thirty-six north, of range number two west, in the county of Laporte be, and they are hereby authorized at any time after the taking effect of this act, to levy and collect upon the taxable property in said district, any sum not exceeding one hundred and twenty-five dollars per annum, to be appropriated to the pay-

ment of a certain debt contracted for the building of a school house in said district, said tax shall be assessed and collected according to the provisions of the laws now in force, so far as the same are not inconsistent with the provisions of this act.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXX.

An Act legalizing certain proceedings of the trustees of township fifteen, range eight east, in the counties of Rush and Hancock.

[APPROVED, FEBRUARY 3, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the trustees of congressional township fifteen, range eight east, in the counties of Rush and Hancock, in laying off school district number nine in said township, be, and the same are hereby legalized and confirmed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXI.

An Act defining the duties of the School Commissioners, in township number fourteen north, of range six west, in Parke county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the school commissioners of township number fourteen north, of range six west, in Parke county, to permit Stephen Pruett of said county to forfeit or relinquish a part of his purchase of the school land of said township, to-wit: the west half of the south east quarter of said school section, and to credit the whole amount of money paid by him for said land upon and in payment for the east half of said quarter section, provided the taxable inhabitants of said township shall, by the vote of a majority previously taken for that purpose, authorize them so to do.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXII.

An Act to reinstate a certain tract of seminary lands therein named

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Alexander is hereby authorized and empowered to reinstate the east half of the northeast quarter of section twenty-two of the seminary township of land in Monroe county, by paying to the commissioner of said township, the interest due thereon, with interest on such delinquent interest since the same became due, on or before the first day of August next; and said commissioner is hereby authorized to reinstate said lands upon the books of his office as though the same had never been forfeited.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXIII.

An Act respecting the seminary of Martin county.

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Martin shall have power, if they deem it necessary for the public good, to suspend the further action of the seminary trustees of said county of Martin.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXIV.

An Act providing for the formation of two separate corporations, for school purposes, out of township number thirty-seven north, of range four east.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That congressional township number thirty-seven north, of range number four east, be, and the same is hereby divided into two

separate corporations for school purposes, as follows: That part of said township situate in St. Joseph county into one separate corporation, and that part of said township situate in Elkhart county into one other separate corporation.

SEC. 2. The said two separate corporations shall be entitled to all the privileges and be governed by the same laws as are now extended to, or in force in, the several congressional townships in the State of Indiana for school purposes. Each of said separate corporations shall be entitled to their moiety of the common school fund belonging to the said congressional township number thirty-seven north, of range four east.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXV.

An Act relating to the Seminary Fund, in Cass county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of the county of Cass, may, at the annual election in August next, determine by vote whether the seminary fund of said county shall be united with the funds of the "Eel river Cass county seminary society," and jointly applied to the erection of a seminary building, and to the support of a seminary of learning, and for that purpose each voter who desires that the said funds shall be jointly so applied, may write or print on his ticket the word "unite" and those opposed, the words "not unite."

SEC. 2. If on counting the tickets so voted, it shall be found that a majority of the votes are in favor of uniting the aforesaid funds, it shall be the duty of the board doing county business in said county, at their next regular meeting thereafter, to appoint three persons as trustees of the Cass county seminary, who shall give bond as now required by law, and perform all the duties required by law, and serve as such trustees until the first Monday in August, 1844, and until their successors are chosen and qualified.

SEC. 3. It shall be the duty of the trustees of the Cass county seminary to deliver over to the three trustees thus appointed, all moneys, books and papers, in his hands pertaining to his office of trustee.

SEC. 4. The three trustees thus appointed shall jointly, with a like number to be appointed by the "Cass county Eel river seminary society," constitute the board of trustees of the Cass county seminary, and may elect one of their number a president, and appoint a secretary and treasurer, and proceed to collect the funds now due to the county seminary, and apply the same jointly, with the funds and property of the said society to the erection of seminary buildings, and to institute a seminary of learning therein, on the ground owned by said society, in the town of Logansport, and for that purpose the said board shall be governed in all respects by the laws in force relating to county seminaries.

SEC. 5. The qualified voters of said county, shall, if they agree to unite said funds as hereinbefore provided, on the first Monday in August, 1844, and triennially thereafter, elect three trustees of the county seminary, to serve as such until their successors are chosen and qualified, and the stock holders of the "Cass county Eel river seminary society," shall also triennially on the day now designated by law for holding their annual election, elect three trustees, who shall serve as such until their successors are chosen and qualified, and immediately after the organization of said joint board of trustees, and before the seminary funds shall have been paid to said joint board, the said Cass county Eel river seminary society shall deliver over to said joint board all the property, moneys, and effects belonging to said society and shall also cause to be made to the said joint trustees, and their successors in office, for the use of a county seminary, a deed in fee simple, to the ground on which the seminary is proposed to be erected, and the said joint board shall be county seminary trustees, and entitled to receive and apply to the use of said seminary, all county seminary funds that may hereafter become due to said county.

SEC. 6. Said joint trustees, when duly elected and qualified according to law, shall form and constitute a body politic, with general powers and liabilities similar to other corporations, subject however, to the peculiar objects of its organization, and may make contracts and collect debts, and do and perform all other acts that by law, seminary trustees may do and perform, under the name and style of "the board of trustees of the Cass county seminary," subject always to the limitations and directions of the General Assembly of this State.

SEC. 7. That said county at any time may purchase the Eel river and Cass county seminary society's interest in and to said seminary, by repaying to said seminary the amount of funds expended, and at any time after a vote taken upon that subject may prohibit said funds hereafter coming to said seminary, from being appropriated as aforesaid, and such separation shall be voted for as is above provided for the union of said funds.

SEC. 8. This act to take effect and be in force from and after its publication in any public newspaper printed at the town of Logansport, in the county of Cass.

CHAPTER CLXXVI.

An Act providing for the election of three School Commissioners in the townships of Jackson and Florida, in the county of Parke.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the provisions of an act entitled "an act providing for the election of three school commissioners in township number fourteen north, of range number seven west, in Parke county, approved January 13, 1842," be, and the same are hereby extended to and enacted for townships number fourteen north, of ranges numbers six and eight west, in Parke county, and the elec-

tions of the school commissioners; and said commissioners when elected in said last mentioned townships, shall be governed in all respects by said act.

SEC. 2. The provisions of the above act shall be extended to any Congressional township in the county of Parke, provided that a majority of qualified voters of the township shall so determine at any legal election in said township; and it shall be the duty of one of the judges of said election to make return of the same to the clerk of the circuit court of said county, whose duty it shall be to issue an order for an election of commissioners of the township, who shall in all respects be governed by the provisions of the above act.

SEC. 3. This act shall be in force from and after its passage and publication in the Olive Branch, a paper published in the town of Rockville, and the Secretary of State is directed to forward a certified copy of this act to the clerk of Parke county.

CHAPTER CLXXVII.

An Act to authorize the school commissioner of St. Joseph county to reconvey certain forfeited lands to Betsey Sherwood.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of St. Joseph county may, and he is hereby authorized and directed to convey to Betsey Sherwood the west half of the southeast quarter of section number twenty-two, in township number thirty-seven north, of range three east, in the county of St. Joseph, she, the said Betsey Sherwood, paying to the said school commissioner the full amount of interest due on a certain mortgage, by which said land became forfeited, up to the time of payment, together with all costs thereon, and also securing the payment of the principal by a lien on said land, or by other good and sufficient security, to the satisfaction of said commissioner.

SEC. 2. This act to be in force and take effect from and after its passage, and publication in the Mishawaka Tocsin, at the expense of said Betsey Sherwood.

CHAPTER CLXXVIII.

An Act amendatory and explanatory of an act entitled "an act relating to the trustees of Vevay seminary," approved January 18th, 1842.

[APPROVED, FEBRUARY 13, 1843.]

WHEREAS, it has been represented to the present General Assembly, that one of the trustees named in the act to which this [is] amendatory and explanatory, has departed this life, and others of said trustees are absent from home on business, and that it is all important to the citizens of the town of Vevay that the deed authorized to be made by the trustees mentioned in the act aforesaid, should be made with as little delay as possible: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a majority of the trustees named in the aforesaid act shall have power and authority to sign, seal, and deliver the deed authorized to be by them made, by the provisions of the act to which this is amendatory.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXIX.

An Act for the relief of congressional township number thirty-three north, of range six west, in Porter county.

[APPROVED, FEBRUARY 13, 1843.]

WHEREAS, the school fund which ought to have been paid to congressional township number thirty-three north, of range number six west, in the county of Porter, for the years 1838 and 1839, was paid in part to congressional township number thirty-four, in said range, and in part to township number thirty-three north, of range number five west: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of the county of Porter is hereby authorized and required to pay to said township number thirty-three north, of range six, such sum as the number of her inhabitants would have entitled her to for the years aforesaid, to be paid out of any money in his hands or which may hereafter come into his hands belonging to the aforesaid townships [number] thirty-four, range six, and number thirty-three, range five, in proportion to the amount which each of such townships received of such fund.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXX.

An Act to authorize George Richards, Isaac Coonfield, James Epison, Henry Harper, and Benjamin Hentsley to file their claim against school district number one, township twelve north, of range two east, in Morgan county.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Richards, Isaac Coonfield, James Epison, Henry Harper, and Benjamin Hentsley, be, and they are hereby allowed to file their claims for building a school house in school district number one, township twelve north, of range two east, in Morgan county, as though the time had not passed for filing the same; and it is hereby made the duty of the district trustees to adjust and settle said claims in compliance with the law made and provided in such cases.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXI.

An Act authorizing the board doing county business, of the county of Knox, to adjust all claims with and against the trustees of the late nominal Vincennes University, in relation to the sale of the building and lots set apart for a county seminary by law.

[APPROVED JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That upon the request of the board doing county business in and for the county of Knox, it shall forthwith be the duty of the trustees of the late nominal Vincennes University, to adjust, and settle with, and pay over to, the said county board, for the use and benefit of the county seminary fund, and congressional schools of the said county, all moneys, credits, rights, and effects, and all obligations and choses in action, or other evidences of debt, due or to become due, which, at any time, may have come into their hands, or any of their hands, as trustees of the late Vincennes University, in virtue of the sale of the building and lots set apart by law as a county seminary to the said county of Knox.

SEC. 2. In case the said trustees of the late Vincennes University aforesaid, fail, upon request, to settle and pay over all moneys, claims, and effects in their hands, arising from the sale of said building and lots so set apart as said county seminary, to the said county board of the county of Knox, then and in that case the said coun-

ty board may, at any time thereafter, file a bill in chancery against the said trustees of the late Vincennes University, in the name of said county board and for the use of the said county seminary fund and congressional township schools therein, in the circuit court of said county for an account, as a suit against an administrator, and compel the defendants to discover, on oath, by answer the true amount of all assets, arising from said sale, in their hands now and heretofore, as trustees; and the court may and shall render a decree in the case according to its equity.

SEC. 3. Each of the trustees of the said late Vincennes University shall be compelled to make a separate answer to the said bill in chancery, notwithstanding any corporate privilege, showing the true amount of assets or claims that have come into his hands as aforesaid and a decree shall be rendered accordingly.

SEC. 4. Whenever the said trustees of the late university aforesaid, shall, under a decree of court or otherwise, as herein provided, pay over to the board doing county business of and for the county of Knox, all assets, obligations, and claims, that may at any time or in manner have come into their hands as such trustees, on account of the sale of the seminary, late university, before mentioned, then and in that case the said sale of the said building and lots of land thereunto belonging, shall be, to all intents and purposes, legalized and sanctioned by the said board doing county business in and for the county of Knox, State of Indiana, by an appropriate order to be by them entered on the records of the said county of Knox.

SEC. 5. When the said assets, obligations, and claims, arising from the sale aforesaid be paid over according to the provisions of this act to the said board doing county business of Knox county, it shall be, and is hereby rendered the duty of said board to devote one half the amount so paid over and received to procure ground and to erect thereon a suitable county seminary, and to pay the other half of said amount to the school commissioner of said county, who is hereby required to vest the same in the funds of each of the congressional school districts of said county, and to pay the same over, share and share alike, for their promotion and benefit.

SEC. 6. This act to be in force from and after its publication in print.

CHAPTER CLXXXII.

An Act relative to the county Seminary and Laporte University buildings, in Laporte county.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the qualified voters of Laporte county at the annual general election in August 1843, to decide by vote whether or not the funds belonging to the county seminary of said county, and the property and funds belonging to "the Laporte University," shall be united and constitute one fund, for the erection of a suitable building for the seminary and university at the county seat, and the voters at said election in favor of uniting the same, shall write or print upon their tickets the word "unite," and those against the same shall print or write thereon the words "not unite," and the same shall or not be united as a majority of those voting thereon shall decide.

SEC. 2. If the said voters shall decide to unite said funds, it shall be the duty of the judges of the Laporte circuit court, at the first term after said decision, or at any subsequent term, to appoint three freeholders of said county and residents thereof, to be trustees of said joint fund, who shall thereupon, and after giving bond and security to be approved of by the clerk of said court, for the faithful performance of their duty, (and which bond shall be filed in said clerk's office,) receive the same from the present trustees of both said funds, and hold the same, or loan and dispose of it so as to realize the greatest benefit to said fund, and to render the same most available for the purpose of erecting a proper building, to subserve the interests of both of said institutions.

SEC. 3. Whenever the said trustees, and the county commissioners upon the part of the county seminary, and the faculty of said university upon the part of said university, shall, at a meeting to be called for that purpose, agree to erect said building, the said trustees of said joint fund, shall proceed to have the same erected, and therein shall be governed by the laws regulating the erection of county seminary buildings, except that the same shall be made and erected so as to accommodate both institutions as much as possible; and until such building shall be ordered to be erected, the said trustees shall be governed in the disposition of the money part of said joint fund by the laws regulating county seminary trustees.

SEC. 4. That the said joint trustees shall, after their appointment, be the trustees of the county seminary of said county, and in all respects held and treated as such, and shall have and possess all the powers vested by law in the county seminary trustees, and shall each serve three years, and until his successor be appointed and qualified, and whenever a vacancy shall in any way happen in such office, the same shall be filled by appointment by the judges of the Laporte circuit court.

SEC. 5. That in the erection of a building in pursuance of this act, particular regard shall be had to the accommodation of the seminary interest, and of education, and that proper and suitable apartments are provided for all the original objects of county seminaries.

This act to be in force from and after its passage.

CHAPTER CLXXXIII.

An Act to authorize the rebuilding a bridge across the canal at Logansport.

[APPROVED, FEBRUARY 11, 1843]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the citizens of the county of Cass, be, and hereby are authorized to construct a pivot or draw bridge across the Wabash and Erie canal at Market street in the town of Logansport, of such convenient height as may be deemed expedient, and to grade the bridge embankment accordingly, and to use the materials of the present bridge in the construction of the new one: *Provided*, that said new bridge shall not, in any manner, impede the navigation of the canal.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXIV.

An Act to amend an act entitled "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll-bridge across South Hogan Creek in Dearborn county, approved February 22d, 1840.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll-bridge across South Hogan creek in Dearborn county, approved February 22d, 1840, be, and the same is hereby so amended that if any person or persons shall ride or drive across said bridge faster than a walk, he, she, or they, shall be liable to pay a fine of five dollars for every time they shall so cross, for the use and benefit of the county seminary of said county, to be recovered and paid over to said seminary by the owners or occupiers of said bridge, in an action of debt before any justice of the peace in the county aforesaid.

SEC. 2. It shall be the duty of the owners of the said bridge to cause a notice of the penalty for the violation of this act to be put up in some conspicuous place on both ends of said bridge.

SEC. 3. This act to be in force from and after its publication.

CHAPTER CLXXXV.

An Act to authorize certain individuals therein named to build a bridge across Big Walnut creek in Putnam county, where the Spencer and Rockville state road crosses said stream.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. [*Be it enacted by the General Assembly of the State of Indiana*,] That John Reel and company, their agents, heirs, or assigns, be, and they are hereby authorized, on the following conditions, subject to the following restrictions hereinafter specified, to erect and build at their own expense, a toll bridge across Big Walnut creek, in Putnam county, where the State road leading from Spencer in Owen county, to Rockville in Parke county, crosses said stream, and on their own land.

SEC. 2. Said bridge shall be at least sixteen feet wide, with good and sufficient hand railing on each side, and in all other respects strong and convenient for the safe passage of all travellers and other persons, cattle of every kind, and carriages of every description.

SEC. 3. On the erection and completion of the bridge aforesaid, the owners, agents, or assigns, may ask, demand, and receive such tolls, as the board doing county business in the said county of Putnam shall direct.

SEC. 4. The aforementioned company, their agents, assignee or assignees, shall have two years from the passage of this act, to build said bridge, in manner and form as aforesaid.

SEC. 5. It shall be the duty of said company, their agents, or assigns, to keep up in some public place on said bridge, a list of the rates of tolls allowed to be received, which list shall be printed in large English print, and for every day the same shall be neglected after reasonable time to have the same printed, they shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace by the person suing for the same.

SEC. 6. If any person or persons shall wilfully pull down, deface or destroy said printed list of rates, he, she, or they, so offending, shall upon conviction thereof, forfeit and pay not less than three dollars, nor more than twenty, to the use of said bridge company, and to be sued for, and recovered, before any justice of the peace in the name of the company aforementioned.

SEC. 7. It shall be the duty of the company aforementioned, their agents or assigns, to keep the said bridge in good repair, and in default thereof, after reasonable time to repair the same, shall forfeit their charter.

SEC. 8. If the aforementioned company, their agents, or assigns, shall demand, or receive from any person or persons, any higher or greater tolls than may be allowed by the board doing county business aforesaid, he, or they, shall forfeit and pay the sum of five dollars for the use of the road on which the bridge is located, to be recovered by action of debt at the suit of the party aggrieved.

SEC. 9. This act to take effect and be in force from and after its passage, and endure so long as said bridge shall be kept in repair and good condition: *Provided*, that, after the lapse of twenty years from and after the bridge shall be completed, the Legislature reserves the right to alter, amend, and repeal this charter: and, *provided further*, that this act shall not take effect un-

til the board doing county business in the county of Putnam, shall cause their written assent thereto to be entered in their order book in the auditor's office of said county of Putnam.

SEC. 10. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXVI.

An Act to provide for the building of a bridge across the Wabash and Erie canal, west of Tippecanoe river.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner of the Wabash and Erie canal, west of Tippecanoe river, be, and is hereby authorized to construct a bridge of suitable size and dimensions across said canal at the crossing of a road leading past Philip Foresman's mill, to the Wabash river, being a county road in the county of Tippecanoe, the amount necessary to construct said bridge to be paid out of the said Wabash and Erie canal fund by said commissioner.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXVII.

An Act to authorize John Sour to build a mill dam across the Wabash river, in Wells county.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Sour of Wells county, be, and he is hereby authorized to construct a mill dam across the Wabash river, not exceeding six feet in height, on the north-west quarter of section twenty, in township twenty-six north, of range thirteen east, in the said county of Wells.

SEC. 2. The said John Sour shall be entitled to all the benefits of the writ of *ad quod damnum* to condemn land sufficient to construct said dam.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXXVIII.

An Act authorizing the erection of dams and locks in Elkhart river.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for all persons who wish to avail themselves of the provisions of this act, to erect and maintain dams and locks in Elkhart river, in the county of Elkhart.

SEC. 2. No dam or other obstruction shall be erected without having in connection with it, a substantial lock of at least fourteen feet in width in the chamber, and ninety feet between the mitre sills; which locks shall be so placed as to contain at least twenty inches of water on the lower level, at the lowest stages of water, and be calculated to accommodate boats ascending, as well as descending.

SEC. 3. If any person or persons shall comply with the provisions contained in the second section of this act, he or they shall be exempt from all the fines, forfeitures, and provisions of the forty-second section of an act entitled "an act relative to crime and punishment," approved, February 10th, 1831.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXIX.

An Act to legalize the mill dam now erected across the Salmonia river owned by Robert and Michael English.

[APPROVED FEBRUARY 9, 1843.]

WHEREAS, It has been represented to this General Assembly, that Robert and Michael English of the county of Wabash, have erected a Mill dam across the Salmonia river in said county; said dam has been erected about eight years, is seven feet high, and has a slope thirty feet wide, sufficient to admit the free and safe passage of boats, rafts, and other water crafts: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the erection and continuance of said mill dam is to all intents and purposes legalized; provided said slope shall be continued and kept up as set forth in the above preamble.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXc.

An Act to authorize the erection of a mill dam across the east fork of White river, in Jackson county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Solomon Stout and Alexander Swaney of Jackson county, Indiana, be, and they are hereby authorized to erect a wing dam, across the east fork of White river, on lot letter F, fractional section twenty-eight, township seven north, of range six east, in the county of Jackson, which dam shall not exceed four feet of perpendicular elevation, and that the said dam be built and erected in such manner as that the same shall not impede the downward passage of rafts, nor of such water craft as is used in said river: *Provided*, that the passway for said water craft shall not be less than forty feet in width, and shall be at least one foot below the mean height of said dam with a sufficient apron or slope to secure the easy and safe navigation aforesaid.

SEC. 2. That if the said Solomon Stout and Alexander Swaney shall construct said dam in any other manner than is provided in this act, whereby any boat, raft, or craft, in attempting to pass said dam, shall be lost or in any wise injured or detained, they shall be liable to the owner or owners of said boat, raft, or craft, in double or treble damages, at the discretion of the jury trying the same, to be recovered before any court having competent jurisdiction thereof.

SEC. 3. If the said dam shall be so injured by flood, the caving in of the banks, or any other unavoidable cause, so as to interrupt the easy and safe navigation of water craft, &c., as is above provided, it shall be the duty of the said Stout and Swaney to have the injury so done immediately repaired, and such repairing shall, in no instance, exceed the period of ninety days, and a failure to do so shall operate as a forfeiture of the privileges granted by this act and any person or persons may sue out of the Jackson circuit court a *scire facias* against the said Stout and Swaney, setting forth such refusal and neglect, and if, upon the trial of the matters set forth in such *scire facias*, the same shall be found against the said Stout and Swaney, the said court shall render judgment thereon, that the privilege hereby granted be forfeited, and shall moreover order that said dam be abated by the sheriff, in the same manner that other nuisances are abated; and such *scire facias*, or any other process which may issue under the provisions of this act, may, in case the said Stout and Swaney cannot be found, or either of them, be served upon any agent or manager, or other person in the employ of the said Stout and Swaney about the said dam or business of the said Stout and Swaney thereto attached, and such service upon such agent, manager, or other person in the employ of the said Stout and Swaney as

aforesaid, shall be taken and deemed to be service upon the said Stout and Swaney of such process, and the same proceedings shall be had to judgment and execution, as though the process had been served upon the said Stout and Swaney or either of them, personally: *Provided*, that where the boat, raft, or craft of any person or persons shall be injured in attempting to pass said dam, in such manner as that the owner or owners thereof shall be entitled to an action of damages in consequence thereof, the service of process may be had in such manner as is provided in this section; and when process shall be served upon the agent, manager, or other person in the employ of said Stout and Swaney, the said agent, manager, or other person shall be entitled to set up the same matters of defence in favor of the said Stout and Swaney, as they, or either of them, might do, had process been served upon them or either of them, personally: *Provided, also*, that when the injury occasioned to said dam, by flood, the caving in of the banks, or any other unavoidable cause as aforesaid, shall not be removed in ninety days so as to afford easy and safe navigation to any boat, raft, or craft passing down the said river, the said Stout and Swaney shall be liable to the owner or owners thereof in double damages for the detention of said boat, raft, or craft, to be recovered before any court having competent jurisdiction thereof.

SEC. 4. If, after the erection of said dam, the said Stout and Swaney shall sell or dispose of the same and the privileges thereunto appertaining, to any other person or persons, the said person or persons purchasing the same shall, in every particular, be governed by the provisions of this act.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXCI.

An Act authorizing Richard Palmer of Daviess county to build a mill dam across White river in the counties of Daviess and Knox.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Richard Palmer of Daviess county, be, and he is hereby authorised to build a mill dam across White river, in the counties of Daviess and Knox, near the town of Maysville in the county of Daviess, four feet high: *Provided*, that this act shall not be so construed as to admit the said Richard Palmer to build the dam as aforesaid, across said river, without providing a suitable slope, or lock in said dam, so as not to injure the navigation of said river; and if a slope, it shall be at least sixty feet wide, and one foot lower than the rest of the dam, and left entirely open when boats are running.

SEC. 2. When any person or persons may feel themselves injured or aggrieved by the building of the dam as aforesaid, by said Palmer, and shall not have received adequate compensation for the damages done him, her, or them, by the building of said dam, it shall be lawful for him, her, or them, to institute any proceedings warranted by "the fourth section of the act allowing and regulating the writ of *"ad quod damnum,"* approved December 20th, 1823.

SEC. 3. And should the said Palmer neglect, fail, or refuse to pay the damages assessed, to the proper person or persons entitled thereto, with the costs of the inquest aforesaid, then it shall be lawful for the person or persons in whose favor any such damage may be awarded, to have execution thereof by *scire facias* against the said Palmer, in the same manner, and not otherwise as if the said return was a verdict at law; or the said person or persons so found to be damaged, may, three months after said return, lawfully enter in and upon the premises, and abate the said dam of the said Palmer.

SEC. 4. In all cases where any damages may be sustained by any boat, or other water craft, in consequence of said dam not being kept as aforesaid in this act, provided, the said Palmer, his heirs, or assigns, shall be liable for all such damage or damages; and if he, or they, persist in keeping up such obstruction, it may be abated as is provided in the second section of this act: *Provided, however*, that the Legislature reserves the right to alter, amend, or repeal this act whenever they may deem the public interest to require it.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXCI.

An Act to authorize Amos Myers to build a Mill dam across White river.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Amos Myres, be, and he is hereby authorized to build a mill dam across White river, in the county of Morgan, where his said mill dam now is.

SEC. 2. The said Amos Myers shall not be allowed to build his said mill dam exceeding four feet high, and shall make a sufficient slope for the safe passage of flat boats to descend said river in all reasonable boating stages in said river.

SEC. 3.. That said Amos Myers shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the lands for his use on the opposite bank of White river, where he may wish to build his said mill dam, or elsewhere to promote the completion of the same.

SEC. 4. The mill to be propelled by the water raised by said dam, shall be subject to the payment of any damages that may be sustained by individuals in consequence of building said dam.

SEC. 5. *Be it further enacted*, That if the said Amos Myers will make a slope of ninety feet along said dam, and keep it clear of drift, he shall not be liable for any damages sustained by any craft descending said river.

SEC. 6. Nothing herein contained shall be so construed as to prevent the State at any time hereafter, from diverting the water of said river from the said dam for any machinery connected therewith, and applying the same to any public purpose.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CXCI.

An Act to authorize Levi M. R. Pumphrey to build a Mill dam across White river.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Levi M. R. Pumphrey, be, and he is hereby authorized to build a mill dam across White river, four feet high, with a sufficient slope for the safe passage of flat boats in all common boating stages of said river at Buchart's old mills on White river, in Morgan county, eight miles below Martinsville.

SEC. 2. The said Levi M. R. Pumphrey shall not be allowed to build his said mill dam exceeding four feet high, and shall make such slopes in the same as may best promote navigation.

SEC. 3. The mill house and mill to be propelled by the water raised by said dam, and shall be bound to keep clear of drift said slope for one hundred feet on said dam, otherwise he shall be liable for the damage sustained by any person or persons in descending said river with any flat boat, whether the same may remain in the hands of the said Pumphrey, his [heirs,] or assigns.

SEC. 4. The said Pumphrey shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the land for his use on the opposite bank of White river, where he may wish to build his said mill dam, or elsewhere, to promote the completion of the same.

SEC. 5. Nothing herein contained shall be so construed as to prevent the State at any time hereafter, from diverting the water of said river from the said dam, or any machinery connected therewith, and applying the same to any public purpose.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CXCV.

An Act authorizing Smith Lounsbury to build a Mill dam across the Salmonia river, and for other purposes.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Smith Lounsbury of the county of Wells be, and is hereby authorized to build and construct a mill dam across the Salmonia river, in section eleven, township twenty-five north, of range ten east, in said county of Wells: *Provided, however*, in constructing said dam the height of the same shall not exceed four feet.

SEC. 2. That said Lounsbury shall be entitled to all the privileges in erecting said dam, granted to other citizens of this state, in reference to like applications on public highways.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXCV.

An Act to authorize Isaac Letsenberger to build a Mill dam across the Mississinawa river.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac Letsenberger of the county of Miami be, and he is hereby authorized to construct a mill dam across the Mississinawa river, at his lands on said river, in the said county of Miami, provided, the same shall not exceed four feet in height.

SEC. 2. The said Isaac Letsenberger shall be entitled to all the benefits of the writ of *ad quod damnum* to condemn the lands necessary for his use, to build said mill dam.

SEC. 3. The said Isaac Letsenberger shall be required to make and construct in some suitable part of said dam, a slope at least twenty feet wide to admit the free passage of rafts, flat boats and other crafts.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXCVI.

An Act to legalize an appointment of a constable in Floyd county.

[APPROVED, JANUARY 31, 1843.]

WHEREAS, It is represented to this General Assembly that David M. Johnson a justice of the peace in and for the county of Floyd, heretofore appointed William J. Redman, to act as constable under circumstances which render it doubtful whether said appointment was strictly conformable to law: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of William J. Redman as constable, under an appointment by David M. Johnson, a justice of the peace of Floyd county be, and the same are hereby legalized and made valid, as fully as if said appointment had been made conformably to law.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CXCVII.

An Act to legalize the election of the trustees of the Jennings county library.

[APPROVED, JANUARY 21, 1843.]

WHEREAS, Heretofore, to wit, on the first Monday in September 1842, the citizens of the county of Jennings proceeded to, and did elect trustees of the Jennings county library; *And, whereas*, the notice under which said election was held, was not signed by the sheriff, as by law required: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That said election be, and the same is hereby declared to be valid and effective to all intents and purposes.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCVIII.

An Act legalizing the recording of the addition to the town of Fayetteville.

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the recording of the addition to the town of Fayetteville, in Fayette county, heretofore made by Elias B. Stone, be in all things legalized and held valid, in like manner as it would have been, had said addition been recorded within the time required by law; and no further forfeiture shall be deemed to have accrued in this behalf, than that for which judgment has already been obtained, in the Fayette circuit court.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXCVII.

An Act legalizing the ordinances of the borough council of the borough of Richmond and the city council of the city of Richmond and for other purposes.

[APPROVED, FEBRUARY 6, 1843.]

WHEREAS, a former Legislature in granting a city charter legalized the taking by the previous borough council, for and in the name of the borough of Richmond, a certain number of shares in the capital stock in the Richmond and Brookville canal company, and made the real estate in the city liable for the payment of the same: *And, whereas*, the borough council in the year 1839, and the city council in the year 1841, did levy a tax on the real and personal property within the limits of the city, for the purpose of paying the instalments assessed on said stock: *And, whereas*, there is some doubt whether the forms prescribed by the city charter were strictly complied with: for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the ordinances of the borough and city council levying the taxes for the years aforesaid, be, and they are hereby, in all things legalized.

SEC. 2. The collector of the city council is hereby authorized to collect all taxes in arrears for said years, in any manner whatever, and shall be governed in all respects by the ordinances now in force authorizing the collection of taxes in the city of Richmond.

SEC. 3. This act to be in force from and after its publication in the Richmond Palladium.

CHAPTER CC.

An Act to legalize the acts of Conrad Beard, a constable of White river township, Hamilton county, Indiana:

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of Conrad Beard, constable of White river township, Hamilton county, Indiana, for the year 1842, be and the same are hereby declared as valid in law and equity as though said Beard at the time of transacting business as such constable had been a citizen of the United States.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCI.

An Act to legalize the assessment in Steuben county for the year A. D. 1842:

[APPROVED JANUARY 28, 1843.]

WHEREAS, the assessor of Steuben county failed to make his returns to the auditor of said county agreeably to law: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assessment and appraisement of the assessor of Steuben county for the year eighteen hundred and forty-two, is hereby legalized and made as valid as they would have been, if the law had been duly regarded.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCII.

An Act to legalize the last will and testament of Rowland Hunter, deceased, and for other purposes.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the executors of the last will and testament of Rowland Hunter, deceased, late of Posey county, Indiana, be and they are hereby authorized and empowered to prove said last will and

testament, by proving the hand writing of said testator, before the probate court of Posey county, and such proof, if made by two competent witnesses, shall be deemed and taken to be sufficient proof of the execution of said will, and the said probate court is hereby authorized and required, upon such proof being made, to grant letters testamentary to the executors therein named, and said executors shall proceed to the settlement of such estate, according to law and the provisions of said will, the same as if it had been duly witnessed as required by law.

SEC. 2. The State of Indiana hereby relinquishes to Susannah Elizabeth Hunter, widow and relict of the said Rowland Hunter deceased, all her right and title to escheat upon office found or otherwise, to any and all real estate of which the said Rowland died seized, he having no heirs in the United States.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCIII.

An act supplemental to an act entitled "an act legalizing the ordinances of the borough council of the borough of Richmond, and the council of the city of Richmond," and for other purposes, approved Feb. 6th 1843.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act to which this act is supplemental, shall be taken and construed to all intents and purposes, to legalize all the acts of the assessor in the assessment of taxes against the citizens of the borough of Richmond, in the year 1839, and the citizens of the city of Richmond, in the year 1841, by order of the borough and city authorities, for any and all purposes whatever, and at any time whatever; and that all assessments of any and all kinds, and for any and all purposes whatsoever, heretofore made in and for the said borough of Richmond, and city of Richmond, be, and the same are hereby legalized.

SEC. 2. This act to take effect and be in force from and after its passage and publication in the Richmond Palladium.

CHAPTER CCIV.

An act to legalize the proceedings of the trustees of the Greensburgh Presbyterian Church.

[APPROVED, FEBRUARY 3, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the official acts of the trustees of said church are hereby legalized, and shall have the same force and effect in law as though the election for trustees had taken place according to law, and the present trustees are hereby authorized to serve as such, until successors are duly elected and qualified.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCV.

An act legalizing the appraisalment of lands in Madison county.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts and doings of Thomas Silver as appraiser of real estate in Madison county, by virtue of an act entitled "an act to value the property of this State," approved February 12, 1841, be, and the same are hereby legalized.

SEC. 2. All indictments now pending in the Madison circuit court against the said Thomas Silver, for any violation of the provisions of either the fifth or eleventh sections of the act aforesaid, it shall be the duty of the prosecuting attorney to enter a *nolle prosequi* in each of said causes, and the said Thomas Silver shall not be subject to re-indictment on said cases, or on either of them.

SEC. 3. This act to take effect and be in force from and after its passage; and it shall be the duty of the Secretary of State to forward a certified copy of this act to the clerk of said court.

CHAPTER CCVI.

An act to vacate the town of Frankfort in Lagrange county.

[APPROVED, DECEMBER 19, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Frankfort, situated on the west half of the south-west quarter, and the west half of the north-west quarter of section number ten, township thirty-seven north, of range number eight east, in the county of Lagrange, be, and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER CCVII.

An Act to legalize the appointments of certain constables in Henry county.

[APPROVED, DECEMBER 27, 1842.]

WHEREAS, It is represented to the General Assembly, that James P. Mazzy, Samuel Byers, and Fielding L. Goble, were duly elected constables of Wayne township, in Henry county, Indiana, for the year 1842, and that the said James P. Mazzy and Fielding L. Goble, after serving as such constables for about six months, resigned their said offices, and that the said Samuel Byers returned all the papers and process in his hands to the respective justices of the peace who issued the same; and it is also represented, that Asa Heaton an acting justice of the peace of said township, on the refusal of said Samuel Byers to serve as constable, and under the impression that he had resigned his office, appointed Edward Niles to serve as constable, until the next succeeding term of the board of county commissioners, who after serving a short time also resigned, and that the said Asa Heaton then appointed Paul N. Harris to serve as a constable, until the next meeting of said county board, and that Marble S. Camron, an acting justice of the peace of said township, appointed William Mason, a constable, until the next meeting of said county board, and that it has since been ascertained, that said Samuel Byers had not resigned his said office as constable, by reason whereof, doubts have arisen as to the legality of the acts of said constables, for remedy whereof :

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the appointments of the said Edward Niles, Paul N. Harris, and William Mason, as such constables be, and the same are

hereby declared to be legalized, and rendered as valid as if the said Samuel Byers had resigned his said office as constable before said appointments.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCVIII.

An Act to legalize an election therein named and for other purposes.

[APPROVED, DECEMBER 20, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election held by the stockholders of the Delphi Storage and Forwarding Company on the twenty-first day of November, A. D. 1842, of directors of the said company, be, and the same is hereby declared to be legal, and that the directors elected by the said stockholders on the said day, shall be considered as well qualified and empowered to act as such, as though they had been elected on the day specified in the charter of the said company.

SEC. 2. That hereafter the directors of the said company who may have been duly elected as such, shall hold their office as such until their successors shall be elected and qualified. In case of failure to elect directors on the first Saturday of May, as prescribed in the act incorporating said company, a majority of the existing directory may, at any time thereafter, order an election for new directors by giving one week's notice by publication in one of the newspapers of Carroll county, or by a written notice to be posted up at the door of the court house in the town of Delphi.

CHAPTER CCIX.

An Act relative to the water power at Northport in Noble county.

[APPROVED, JANUARY 21, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the commissioner of the Wabash and Erie canal east of Lafayette, in the event that he may deem it to be the interest of the State of Indiana, to let, by contract, to the lowest responsible bidder, on the first day of May next, or as

soon thereafter as the interest of the State will permit, the unfinished portion of the Northport feeder dam, so as to make the water power at that point available: *Provided*, that the same shall not exceed in cost the sum of fifteen hundred dollars: *And, provided, also*, that he can purchase for the State the necessary land upon which to erect machinery, in accordance with the laws now in force on that subject.

SEC. 2. It shall be the duty of the commissioner, so soon as said dam is completed, to lease such portion of the water power at said dam, as may be required by the surrounding country, and advantageous to the State: *Provided*, that the same shall not be let for a less sum than one hundred dollars for each run of four and a half feet mill stones, per annum.

SEC. 3. The said commissioner is hereby authorized to draw on the Treasurer of State for canal land scrip to complete the aforesaid dam, to the amount required in the first section of this act; the Treasurer to issue such scrip as has heretofore been issued on the Wabash and Erie canal. The said sum of fifteen hundred dollars in said first section mentioned, shall be refunded to the said Wabash and Erie canal out of the first moneys arising from the rents of the water power so created, and the said commissioner shall expend the same as other funds of said canal are directed by law to be expended.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCX.

An Act to legalize the districting the county of Daviess into commissioners districts, and for other purposes.

[APPROVED, JANUARY 21, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the districting of the county of Daviess by the board doing county business in the year 1842, is hereby declared legal, and shall have all the force in law it would have had, had it been done on the first Monday in May, as required by an act entitled an act to change the mode of doing county business in Daviess county, approved, January 17th, 1842.

SEC. 2. That so much of the third section of the act recited in the first section of this act, as relates to filling vacancies that may occur in the board of commissioners, is hereby declared only to extend to fill such vacancies until the next annual election, when such vacancy or vacancies shall be filled by the electors of said county, as provided in the first section of an act entitled "an act to regulate the mode of doing county business in the several counties of this State, approved, February 17th, 1838.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXI.

An Act concerning a certain estate without known heirs.

[APPROVED, DECEMBER 21, 1842.]

WHEREAS, In the settlement of the estate of William Alderson in the probate court of Lake county, the administrator reported that there were no heirs of said estate known to him resident in the United States, and that there remained in his hands the sum of one hundred and twenty-eight dollars and eighty-one cents in cash; and, also, the sum of three hundred and twenty dollars in drafts, of the president and secretary of the board of public works of the State of Illinois, upon the fund commissioner of that State, which drafts are upon interest at the rate of six per cent per annum, and which drafts he could not sell except at a ruinous sacrifice, and which drafts and money by the order of the court, the administrator was allowed to deposite in the clerk's office, until some action of the Legislature could be had thereon: therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the clerk of said court shall deposite said money and drafts in the treasury of this State, and the Treasurer shall credit the money to the unknown heirs of said William Alderson, and, also, credit said drafts, specifying the date, numbers, and amount thereof, and retain the same, subject hereafter to the claim of the heirs of said decedent when legally made, the same to be delivered as received, unless hereafter ordered to be disposed of in such manner as the Legislature in future may direct.

SEC. 2. Said clerk shall, within sixty days after being notified by the Secretary of State of the passage of this act, cause the said money and drafts to be deposited in the treasury, and shall be allowed to retain the sum of five dollars out of the money for his services in so doing.

SEC. 3. This act to be in force from and after its publication.

CHAPTER CCXII.

An Act to legalize the acts of Isaac Tullis, deceased, late a justice of the peace for Rush county, Indiana.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all judgments rendered by Isaac Tullis, now deceased, in his life time on his docket as an acting justice of the peace for Ripley township, Rush county, Indiana, to which he failed to attach his official signature and seal, be, and are hereby declared as legal and valid.

SEC. 2. This act shall not be deemed or construed so as to cure any defect in said judgments or the rendition thereof, except the want of the of-

ficial signature and seal of said Tullis, as such justice: *fi. fa's.* may be issued thereon, by his successor, as on judgments regularly rendered to be governed by the laws now in force, regulating the issuing of executions by justices of the peace in this State.

SEC. 3. This act to be in force from and after its passage, and publication in the Indiana Journal and State Sentinel.

CHAPTER CCXIII.

An Act to vacate a part of the town of Claysville.

[APPROVED, DECEMBER 30, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of the town of Claysville (late Middletown,) which lies north of Jefferson street, be, and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXIV.

An act to authorize the commissioners of Ripley county to pay the associate judges of said county for serving in the capacity of probate judges.

[APPROVED, DECEMBER 22, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county commissioners of the county of Ripley, be, and they are hereby authorized to allow and cause to be paid out of the county treasury, to the associate judges of said county for services which they have rendered, or may hereafter render, when acting in the capacity of probate judges, such additional *per diem* allowance to that now provided by law, as may be deemed by them just and proper, not to exceed one dollar and fifty cents per day.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXV.

An act authorizing the Sheriff of Sullivan county to select appraisers in a certain case therein named.

[APPROVED, DECEMBER 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Sheriff of Sullivan county is hereby authorized, to select from the citizens of Sullivan county, two qualified resident householders, to appraise a certain stock of goods by him executed in a suit in the Sullivan circuit court, wherein Peyton A. Key is plaintiff, and John B. Ferrall and others are defendants, and said appraisers when so chosen, shall be governed in all respects, as if the same had been selected in the township where said stock of goods is situated.

SEC. 2. This to take effect and be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER CCXVI.

An act legalizing the publication of the delinquent list in Delaware county.

[APPROVED, DECEMBER 19, 1842.]

WHEREAS, the destruction of the printing office by fire in Delaware county, has prevented any more than one publication to be made of the delinquent lands and town lots within and for said county, for the year 1842; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the publication made of the delinquent lands and town lots within and for the county of Delaware, for the year 1842, be and the same is hereby legalized and declared valid.

This act shall be in force from and after its passage, and the filing of a duly certified copy thereof in the auditor's office of said county.

CHAPTER CCXVII.

An act to confirm a title to certain lands in certain heirs and devisees.

[APPROVED, DECEMBER 20, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all and singular the lands directed to be conveyed by an act of the General Assembly of the State of Indiana, approved January 20, 1837, entitled "an act for the relief of John B. Richardville and Francis Godfroy, by the Governor of said State, be, and the same is hereby vested in the heirs and devisees of the said John B. Richardville and Francis Godfroy, to descend under their said wills as though the fee simple had been vested in the said John B. Richardville and Francis Godfroy, at the time of their death, so far as the rights of the State of Indiana are concerned in the said premises.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXVIII.

An Act to legalize the acts of the Clerk of the Tippecanoe circuit court.

[APPROVED, DECEMBER 21, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts and doings of Mark Jones, late a deputy clerk of the Tippecanoe circuit court, from the time of the death of Elam Shaw, late clerk of said court, to the time of the appointment and qualification of his successor in office, so far as the issuing marriage licenses are concerned, be, and the same are hereby legalized.

SEC. 2. This act shall be in force from and after its passage.

JOINT RESOLUTIONS.

CHAPTER I.

A Joint Resolution to provide a home market for water rotted hemp.

[APPROVED, FEBRUARY 3, 1843.]

Resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be requested to use every proper means and endeavor to create a home market for the staple products of this State, more particularly at this time their attention and influence should be vigorously directed to the important article of water rotted hemp, and with this view to authorize and require of the Secretary of the Navy of the United States, to establish and appoint a purchasing agency at Louisville, Kentucky, to supply the navy of the United States with this important article, and to purchase the same, after inspection, at such standard prices as will serve to reward the producer, and encourage that degree of attention to the article which is alone necessary to render the United States independent of any foreign supply.

Resolved, That the Governor of the State be requested to forward a certified copy of the foregoing resolution to each of our said Senators and Representatives.

CHAPTER II.

A Joint Resolution relative to the distribution of certain public documents.

[APPROVED, FEBRUARY 13, 1843.]

Resolved, by the General Assembly of the State of Indiana, That the Secretary of State distribute with the laws and journals of the present session, the documents in the care of the State Librarian relating to the public lands, in sets of five folio volumes each, (reserving five sets for the State Library) as follows: one set to each coun-

ty, to be deposited in the clerk's office, to be there kept and carefully preserved; and to each university and college in the State, one set thereof.

Resolved, further, That said Secretary distribute as aforesaid, one set of the census of the United States, taken in 1840, to each county, university, and college, to be deposited and kept as aforesaid, if there should be a sufficient number of such sets.

This joint resolution to be in force from and after its passage.

CHAPTER III.

A Joint Resolution in relation to the grand rapids of the Wabash river.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested, to vote for, and use their best exertions for the passage of an act of Congress, making an appropriation, either in money from the Treasury of the United States, or in land, to be selected from the unsold land of the United States, sufficient to improve and render, at all times, navigable, the grand rapids of the Wabash river.

SEC. 2. That the Secretary of State be directed to forward a copy of the foregoing resolution to each of our Senators [and Representatives.]

SEC. 3. This joint resolution to take effect and be in force from and after its passage.

CHAPTER IV.

A Joint Resolution in relation to the effect of a joint resolution therein named.

[APPROVED, FEBRUARY 4, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That the joint resolution entitled "a joint resolution authorizing the Agent of State to settle with J. J. Cohen, jr., & Brothers, passed at the present session of the General Assembly, shall be in force and take effect from and after the passage of this joint resolution.

Resolved further, That this joint resolution shall be in force from and after its passage.

CHAPTER V.

A Joint Resolution for the benefit of the Wabash Manual Labor College and Teachers Seminary.

[APPROVED, FEBRUARY 2, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That in consideration of the destruction of the College buildings, Library, &c., by fire in 1838, the present embarrassed condition of the Institution, and its prospects of future usefulness, the interest on a loan of \$8,000 of the sinking fund, from the 7th of May 1842, to the 31st of December 1846, is hereby suspended from payment until the date last aforesaid, provided the sinking fund commissioners shall deem the same safe.

This joint resolution to be in force from and after its passage.

CHAPTER VI.

A Preamble and Joint Resolution in reference to the Mississippi trade.

[APPROVED, FEBRUARY 9, 1843.]

WHEREAS, the General Assembly of the State of Indiana, appreciating as become the Representatives of a sovereign State, the independence of the States respectively, are nevertheless impressed with the belief, that the attributes of sovereignty appertaining to a member of the federal Union may be and sometimes are perverted and abused, especially may this be the case when any portion of those attributes are delegated to corporations, and municipalities. Instances of such abuses arising out of actual, or pretended delegation of power to municipalities and corporations, have been made known to this General Assembly, by the unanimous report and complaint of that numerous class of the citizens of Indiana, who habitually, or occasionally engage in the exportation of articles, the produce of Indiana, to the markets of the Mississippi, and who allege against the municipal and corporation regulations which they find practically in force at all the principal landings and marts on the Mississippi river, that the same are little, if any, better than systematic schemes to fleece and despoil them. The citizen of Indiana landing his boat at Vicksburgh, Memphis, Natchez, or Bayou Sara finds himself subjected to the payment of wharfage where there is no wharf except the natural banks of the great river, and the use of which he has a right to esteem as an appendage to his undoubted right to navigate the waters thereof; which by principles of natural law are, and by organic and fundamental laws are declared to be a public highway. At Vicksburgh and New Orleans, moreover, he finds his boat and cargo subjected to the payment of an *ad valorem* tax, before he dare to make market thereof, or make his boat

stationary with a view to trade. And, further, at New Orleans he finds himself assessed for the wharfage of his boat, one dollar per diem, and compelled to pay thirty dollars for a license to sell his cargo, or employ a commission merchant to sell for him, and pay him his charges and commissions. Considering the character of the products with which boats hailing from Indiana, are uniformly freighted, and the character of the boats, the ordinary river flat boat, these assessments and restrictions are extremely onerous and illiberal, and the regulations at New Orleans, do, in the opinion of this General Assembly, smack much too pugnently of monopolising selfishness. The General Assembly understand that these restrictions are imposed altogether by city and corporate authority, and are not authorized by any acts of State legislation, and that their enforcement might be effectually resisted by an appeal from the decision of the city authorities to the proper State tribunals. But a resort for redress to such a tedious process would be ruinous, and our citizens being strangers, cannot give the requisite security to such redress.

The General Assembly cannot believe that the legislative power of the States of Mississippi, Tennessee and Louisiana, representing a constituency composed of consumers of Indiana produce, will suffer the trade upon which those consumers depend for supplies, to be hampered with such unreasonable restrictions as those above recited, to gratify individual and city cupidity; nor in truth do they fear to submit the matter to the consideration of the municipalities by whose authority the restrictions complained of exist. It is inconceivable that they will persist in restrictions which have led many veteran "river men" to speak with complacency of the state of trade at New Orleans, and on the lower Mississippi, as the same was when Louisiana was in the hands of a foreign power, and to compare the same favorably with existing regulations adopted by Americans against their fellow countrymen.

The Congress of the United States holds the power "to regulate commerce among the several States;" and the grievances above, call for the exercise of that power.

The General Assembly make a common appeal to the supreme legislative power of the confederacy, and pray that national legislation may find a remedy for the evils above complained of. They also appeal to the justice and magnanimity of the Legislatures of the States of Tennessee, Mississippi, and Louisiana, and of the municipal authorities at Memphis, Vicksburgh, Natchez, Bayou Sara and New Orleans: therefore,

Resolved by the General Assembly of the State of Indiana, That His Excellency the Governor be requested to transmit a copy of the foregoing preamble, and of this and the following resolutions, to each of our Senators and Representatives in Congress, to the Governors of the States of Tennessee, Mississippi, Louisiana, Ohio, Kentucky, Illinois and Missouri, and to the chief officer of each of the cities above named, requesting the same to be brought to the notice of the Legislatures of said States, and of the municipalities above named.

Resolved, further, That the Governor invite a correspondence with the Governors of the States of Tennessee, Mississippi and Louisiana, respectively, with a view to a friendly negotiation and arrangement, and that he communicate the same hereafter to the Legislature of this State.

CHAPTER VII.

A Joint Resolution to suspend a certain act therein named, in Laporte, Tippecanoe, Randolph, and Delaware counties.

[APPROVED, FEBRUARY 11, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That the act entitled an act to assist and make common schools more effective, approved February 2d, 1843, be, and the same is hereby suspended from operating or taking effect in the counties of Laporte, Tippecanoe, Randolph, and Delaware, for one year.

This resolution to take effect from and after its passage.

CHAPTER VIII.

A Joint Resolution for the relief of the estate of Ezekiel L. Dunbar, deceased.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Treasurer of State be, and he is hereby authorized to exchange an amount of par funds equal to the amount of Treasury Notes paid by him to the late Ezekiel L. Dunbar, deceased, late a member from the county of Jackson, as a part of his per diem allowance; which exchange shall be made with the administrator of the estate of the aforesaid decedent, and at his request.

SEC. 2. *Be it further resolved*, That the Treasurer of State is hereby rected to pay to the said administrator the full amount of the per diem allowance to which the deceased would have been entitled had he continued in the service of the State until the end of the present session, to be appropriated to the benefit of his widow.

SEC. 3. This joint resolution to be in force from and after its passage.

CHAPTER IX.

A Joint Resolution for the relief of Joseph H. Hendricks.

[APPROVED, JANUARY 28, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That the Auditor of State be, and he is hereby directed to take up a certificate drawn by Philip Mason, acting commissioner, on the fund commissioner of the State of Indiana, dated 29th, March, 1841, and numbered two, for the sum of twenty-six thousand, four hundred and twenty-three dollars and fifty-seven cents, and for the same, with six per cent. interest per annum, he shall issue his warrant upon the Treasurer of State, who is hereby authorized to issue to the said Hendricks, Treasury Certificates, in such amounts as he may desire: *Provided*, none shall be issued for a less sum than fifty dollars. The certificates to be paid out of any moneys in the Treasury not otherwise appropriated, or out of any money that may be deposited by the Agent of State, accruing from the suspended debt; which certificates shall bear interest from date until paid: *Provided, however*, that nothing in this act shall be so construed as to authorize the Treasurer to pay out Treasury Notes.

This joint resolution to be in force from and after its passage.

CHAPTER X.

A Joint Resolution on the subject of a Lunatic Asylum.

[APPROVED, FEBRUARY 13, 1843.]

WHEREAS, it is shown by the returns of the late census, that there are already within the limits of the State of Indiana, two hundred and forty-one insane persons, which number will doubtless increase with the increase of population; and, whereas, it is reported that a number of this class of our own unfortunate fellow citizens have been striving in vain for admission into the Lunatic Asylum of the State of Ohio; and, whereas, it is highly criminal longer to delay action on this important subject, and disregard the calls of suffering humanity; therefore,

Be it resolved by the General Assembly of the State of Indiana, That it be made the duty of the Governor to hold a correspondence with the superintendents of the Lunatic Asylum of our sister States, in order to ascertain the most approved plans for the construction of such

Asylums, the manner of conducting them, and any other information he may think important and necessary; which plans and information he shall communicate to the next General Assembly: whereupon, it shall be the duty of the legislature to adopt proper measures for the immediate erection of a Lunatic Asylum in the State of Indiana.

CHAPTER XI.

A Joint Resolution for the benefit of James McLean of Parke county Indiana, a deaf and dumb person.

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, it has been represented to this General Assembly, that said James McLean is a deaf and dumb school teacher, and as such has been teaching deaf and dumb orphans and indigent children of Indiana for fifteen months past, without any adequate compensation; and, whereas, it has been further represented to us, that said McLean is poor, and believing as we do, that due encouragement should be given to such laudible efforts to ameliorate as far as possible the condition of a portion of our unfortunate people, and that efforts of that kind on the part of a deaf and dumb citizen of Indiana should not be received as a gratuity by the State.

Be it resolved by the General Assembly of Indiana, That the Treasurer of State be, and is hereby authorized to pay to said James McLean the sum of two hundred dollars out of any moneys in the Treasury not otherwise appropriated, as a compensation for services rendered as aforesaid.

CHAPTER XII.

A Memorial and Joint Resolution to the Congress of the United States, praying appropriations to improve the navigation of the Mississippi, Ohio, Wabash and other important rivers, which are reserved national highways and tributaries of those mentioned.

[APPROVED, JANUARY 28, 1843.]

WHEREAS, the finances of the State embraced in the extensive quarter of the Union, through which the Mississippi, Ohio, Wabash and their national tributaries flow, are insufficient to remedy the existing evils produced by the obstruction to their free and safe navigation;

and, whereas, it appears to your Memorialists to be peculiarly within the power and resources of your honorable bodies to legislate on the all important subject, and to make adequate appropriations with great general advantage, and enduring and profitable effect; that the vast source of now dormant wealth and enterprise, which the improvement and removal of all the dangerous rapids and impediments in those rivers, would unfold and bring into action, of which the fifty millions of dollars worth of exports and imports now annually dependant upon their waters, is but a moiety, together with the losses, dangers, injuries and fatal accidents which happen with ruinous frequency, on account of the obstructions and dangerous impediments alluded to, should, it is thought, give energy to the reflection that the improvement sought for, is alone within the control, power and means of Congress, and should induce early and efficient action in relation thereto; that the obstructions and impediments in the rivers mentioned, can be removed at a small expense, compared to the great damage they occasion, or to the great benefits which will accrue from their removal, and as little has been expended to improve and extend the commerce of the west, will, it is hoped, induce a liberal appropriation for the purposes mentioned, with skill and science to expend the same under the direction of the War Department; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress, be requested to use every exertion in their power to procure an appropriation to improve the Mississippi, Ohio, Wabash and other important rivers, which are reserved national highways and tributaries of those mentioned, to be expended under the direction of the War Department.

And be it further resolved, That the Governor of this State transmit a copy of this Memorial to each of our Senators and Representatives in Congress.

CHAPTER XIII.

A Joint Resolution for the relief of Joshua Holland, treasurer of Henry county.

[APPROVED, JANUARY 31, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That the Treasurer of State be, and he is hereby authorized to allow Joshua Holland, treasurer of Henry county, in his next settlement at the State Treasury, the sum of seventy four dollars and eighty-two cents, that being the amount of delinquencies for which said Holland was entitled to a credit, on the third Monday of February, 1842.

This joint resolution shall be in force from and after its passage.

CHAPTER XIV.

A Joint Resolution for the relief of Andrew Wilson commissioner of the French Lick Reserve, in Orange county.

[APPROVED, FEBRUARY 11, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That the Treasurer of State shall receive from said Wilson all uncurrent money received by him as such commissioner, when said Wilson shall make it satisfactorily appear to the Treasurer of State, that said uncurrent money was received by him in good faith, and while it was current.

CHAPTER XV.

A Joint Resolution ascertaining the strength of the Militia of the State of Indiana.

[APPROVED, FEBRUARY 13, 1843.]

WHEREAS, No return of the strength of the militia of the state of Indiana, has been made to the department of war, since the year 1833, whereby the state has not received her just quota of the arms apportioned to the several states and territories.

Be it resolved, therefore, that the adjutant general be, and he is hereby directed to report to the department of war as the strength of the militia of this state, the number of taxable polls returned to the Auditor's office for the year 1842.

Be it further resolved, That the adjutant and quarter-master generals be requested to report to the next General Assembly, a plan for the reorganization of the militia of this state.

This joint resolution to be in force from and after its passage.

CHAPTER XVI.

A Joint Resolution authorizing the immediate publication of so much of the Revised Code as regulates the summoning and empannelling grand and petit jurors.

[APPROVED, FEBRUARY 8, 1843.]

Resolved by the General Assembly of the State of Indiana, That the Secretary of State is hereby authorized and required to have published in the Indiana Journal and State Sentinel, all that part of

the revised code enacted at the present session, which relates to the summoning and empannelling grand and petit jurors, and that such law shall be in force from and after its publication.

CHAPTER XVII.

A Joint Resolution in relation to the establishment of Marine Hospitals on the Mississippi and its tributaries, and the great Northern Lakes, for the benefit of sick and disabled boatmen.

[APPROVED, FEBRUARY 13, 1843.]

WHEREAS, The commerce of the Ohio and Mississippi rivers and the great northern lakes is of vital importance to the United States, and as a greater number of persons are employed in said commerce than is engaged in the foreign and coasting trade of the country: *And, whereas*, persons employed in the internal trade are exposed to many disasters and causes of disease from which those navigating the seas are exempt, such as sudden changes of climate in their transit from south to north and from north to south, constantly exposed to the malaria of the humid and swampy shores of rivers, and the oft recurring and appalling explosions of steamboats; and as the amount of disease and the number of casualties among those navigating the western waters is incomparably greater than it is among our sailors on the seas: *And, whereas*, the provisions that have been made for taking care of the sick and injured navigators of the great rivers of the west are wholly inadequate, and as no doubt exists that for want of timely and efficient aid, hundreds of our most useful boatmen are annually cut off; and inasmuch as it is impracticable for the state governments to unite in establishing and supporting a system of marine hospitals for the relief of boatmen: therefore,

Resolved by the General Assembly of the State of Indiana, That it is believed that a competent number of marine hospitals should be established and endowed on the Mississippi and its tributaries, and the great lakes, for the benefit of sick and disabled boatmen.

Resolved, That we heartily approve the plan adopted by the act of Congress of 1837, and believe that, if carried out, it would afford all the relief for western boatmen and navigators that may be now or hereafter necessary.

Resolved, That in order to give such hospitals the greatest capability of effecting the objects of their creation, it is expedient to place them on a footing separate and distinct from the general marine hospital system of the United States; to endow them liberally by grants

of public lands, as well as by requiring monthly contributions from all individuals who follow navigation as a vocation.

Resolved, That our Senators in Congress are hereby instructed, and our Representatives requested, to use their best exertions and influence to obtain, as soon as practicable, a sufficient appropriation to carry out the views embodied in the foregoing resolutions.

Resolved, That the Governor of this State be, and he is hereby requested to forward a certified copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

CHAPTER XVIII.

A Joint Resolution relative to the completion of the Wabash and Ohio Canal.

[APPROVED, JANUARY 21, 1843.]

WHEREAS, the Wabash and Erie canal, (now completed to Lafayette, and in progress of completion to Terre Haute) in connection with the Wabash and Ohio canal, from Terre Haute to Evansville, is a great and important chain of internal navigation, connecting the commerce of the Northern Lakes with that of the Ohio, two hundred and forty miles below the falls at Louisville; and whereas, this great chain of communication, the most considerable portion of which is now completed, or nearly so, with the means amply provided for it, from Lafayette to Terre Haute, leaving unprovided for only that which lies between Terre Haute and Evansville, on which upwards of one million of dollars have been expended by the State; which expenditure will be, in a measure lost, for want of means to prosecute it to completion, every year's delay still increasing the extent of the injury; and whereas, this line of navigation extending from North to South, through the fertile valley of the Wabash, and through a portion of the State of Ohio, in all, about four hundred and fifty miles, will not only be of great utility to the citizens of those States, but will be, when completed, of great national importance, not only the right of transportation being reserved to the United States, but the facility of such transportation will be thereby accelerated, for unless this link be completed from Terre Haute to Evansville, the transportation between those points in the Summer season (which must be done by land, unless the Wabash river be improved) would in a few years (in time of War) cost the Government more by far, than the completion of this work entire; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be,

and they are hereby requested to use their influence and best exertions to procure the passage of a law granting to Indiana all the unsold lands in the Vincennes land district, for the purpose of completing the aforesaid Wabash and Ohio canal, from Terre Haute to Evansville, the United States reserving all the rights on the same she now has on the Wabash and Erie canal; and that the Governor forward to each of our Senators and Representatives in Congress, a copy of this preamble and joint resolution.

CHAPTER XIX.

A Joint Resolution in relation to the territory of the United States, West of the Rocky Mountains, called the Oregon Territory.

[APPROVED, JANUARY 28, 1843.]

WHEREAS, it should serve to propel immediate action on the part of the General Government, that late negotiations with Great Britain left some conflicting claims unsettled, in relation to certain boundaries, West of the Rocky Mountains; and it is firmly believed, from published evidences, that the validity of the title of the United States to the right of domain and exclusive jurisdiction between the forty-second and forty-ninth parallels of north latitude, embraced in the Oregon Territory, has been clearly established; and whereas, the immediate occupation of said Territory requires civil and military protection; and the deep and general solicitude to see such Government occupation, is evidently proportionate to the great and manifest advantages expected to accrue therefrom; and, as the settlement of no other Territory ever promised to afford such increasing sources of trade, revenue, and power to the country, east of the Mississippi, or to be more essential to the future peace and prosperity of the Union, all recent developements only serving to render that solicitude emphatically more audible; therefore,

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested to use their best endeavors to advance every proper measure calculated to enable and induce the Executive of the United States to take possession of, and organize a civil Government within the country west of the Rocky Mountains, called the Territory of Oregon; and as a due regard to peaceful relations with every other nation cannot require of the United States any abandonment or neglect of right, if the Army of the United States be sufficiently strong to establish and maintain such fortifications and posts, to protect said Territory as may be deemed proper and necessary; and if the Army should need some in-

crease for the service mentioned, to authorize such increase as may be deemed expedient.

Resolved, That the Governor of this State be, and he is hereby requested to forward a certified copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

CHAPTER XX.

A Joint Resolution of the General Assembly of the State of Indiana, respecting United States pensioners.

[APPROVED, DECEMBER 29, 1842.]

Be it resolved by the General Assembly of the State of Indiana, That the Governor be authorized and requested to address the Secretary of War of the United States, and represent to that officer, the grievous inconvenience and great expense to which many of the revolutionary and other pensioners of the United States, residing in this state are now, and for some years past, have been subjected, by reason of the location of the pension agency at Madison, a point so distant from many of their places of residence; and that he urge upon the department, to divide this state into district agencies, for the accommodation of aged men, and widows interested, or remove the agency to the State Bank, at Indianapolis, whose branches should be empowered to pay those living near to each.

CHAPTER XXI.

A Joint Resolution relating to the construction of a harbor at Michigan city.

[APPROVED, JANUARY 21, 1843.]

WHEREAS, The improvement and construction of harbors on the great northern lakes, has been found essentially necessary for the safety of the lives of our sailors, and the protection of the great and rapidly increasing commercial transactions thereon; *And, whereas*, the appropriations heretofore made for the improvement of the harbor at Michigan city, in the state of Indiana, have been fully expended under the superintendence of the officers appointed agreeably to the directions of the Secretary of War, without sufficient progress in the construction of said harbor, to render it

serviceable for the purposes for which it was intended; *And, whereas*, a large amount of timber and other materials for the construction of said harbor, have been procured at great cost, and are now on hand which, from decay, will soon be rendered unfit for use; *And, whereas*, the locality of Michigan city, with no harbor upon the west within sixty miles, or upon the east within thirty, together with her rapidly increasing commercial business, amounting at this time in exports and imports to more than six hundred thousand dollars per annum, calls loudly for a speedy completion of said harbor: therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use every reasonable exertion to procure an appropriation during the present session of Congress, for the completion of said harbor.

Be it further resolved, That His Excellency the Governor, be directed to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXII.

A Joint Resolution in relation to postage on newspapers, pamphlets, &c.

[APPROVED, JANUARY 10, 1843.]

WHEREAS, A new and latitudinous construction of long existing law, has been recently adopted by the Postmaster General of the United States in his circular instructions to deputies, by which a newspaper or pamphlet is subject to letter postage, or the individual transmitting the same, to a fine for transgression, if the name of the donor be written thereon: therefore,

Be it resolved, That our Senators be instructed, and Representatives in Congress be requested, to use earnest and becoming endeavors to have the Postmaster General's instructions above alluded to, suitably modified, otherwise to procure such an amendment of the law as may be required to remedy the grievous complaint.

Resolved further, That the Secretary of State transmit a certified copy of the foregoing preamble and joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXIII.

A Joint Resolution to provide for ascertaining the amount due contractors and laborers on the Madison and Indianapolis Railroad.

[APPROVED, JANUARY 23, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That Thomas A. Morris be, and he is hereby empowered and appointed to ascertain, by actual survey and measurement, the amount due each contractor on each section of the Madison and Indianapolis Railroad, for work and labor done and materials furnished, (under contracts with the agents of the State) not heretofore estimated, or heretofore estimated and not paid for, deducting any claim or claims that the State may have against any such contractor: *Provided, however*, that no allowance shall be claimed from the State for any services rendered by the engineer in settling the aforesaid claims or for any other expense or charge incurred in the carrying out the provisions of this act.

Be it further resolved, That the said Thomas A. Morris shall, in making up an estimate of the amount due each contractor, ascertain whether, by the terms of contracts entered into on said road, the contractors, or a part of them, were not to receive in payment, state bonds, or Treasury Notes, and whether said contracts or a part of them, were not let and taken at a higher rate or price on account of the depreciation or difference in value between the state bonds or Treasury notes and par funds; and should the said Thomas A. Morris find this to be the case, it is hereby made his duty to make up his estimate of work and labor done and materials furnished on said road, with reference to the actual amount state bonds or Treasury Notes would have commanded at the date of such contract or contracts, in par funds.

Be it further resolved, That so soon as the said Thomas A. Morris shall have performed the aforesaid duties enjoined upon him, he shall report, under oath, to the Treasurer of State and the Agent of State, the amount due each contractor on each section of said road, allowing interest from the time the same fell due, whereupon the Treasurer of State shall issue to each contractor a certificate of indebtedness or treasury warrant, in denominations of not less than fifty dollars, showing the amount due such contractor; which certificate of indebtedness or treasury warrant, shall be signed and registered by the Treasurer, and attested by the Auditor of State.

Be it further resolved, That the said estimates so as aforesaid to be made by the said Thomas A. Morris, shall be submitted to William B. Mitchell, or some other competent engineer of this State, for rejection or approval.

Be it further resolved, That no claim shall be investigated, estimated, or allowed, until the claimant shall have filed with the proper

authority a succinct statement of the claim, verified by oath or affirmation; which verification shall not only state that the claim is *bona fide*, but that it is not less than a certain amount, which shall be specified by the claimant.

Be it further resolved, That for the purpose of securing to subcontractors and laborers who may have done and performed labor on said road, which at this time remains unpaid, it shall be the duty of the Agent of State, before making payment on any treasury warrant or certificate of indebtedness, contemplated by this joint resolution, to give notice by advertisement in the Indiana Journal and State Sentinel at least sixty days before he makes payment on any of said certificates or treasury warrants, that all holders of claims against such contractors, (as are embraced in this joint resolution) shall present their claims, legally authenticated, at the office of said Agent of State in Indianapolis; which claims shall be by said Agent registered, and in making payments on the certificates or treasury warrants provided for in this joint resolution, said Agent of State shall first pay the claims of subcontractors, laborers, and all other persons having claims due them for goods, provisions, and provender furnished, or services rendered, for any contractor on any section of said road.

Be it further resolved, That the Agent of State shall, out of any moneys realized on account of the suspended debt belonging to the State of Indiana, pay off the certificates of indebtedness or treasury warrants to be issued as contemplated by this joint resolution: *Provided, however*, that after he shall have paid off the amount due subcontractors, laborers, and other persons who have furnished materials, goods, provisions, and provender, if there shall not be sufficient moneys in his hands to pay the holders of said certificates or treasury warrants in full, then and in that case he shall make payments on the same, *pro rata*: *Provided, further*, that nothing in this act shall be so construed as to authorize the Treasurer of State to pay out to said contractors, Treasury Notes: *Provided, further*, that in case the persons contemplated in this act should be unable to realize anything from the suspended debt of the State, then and in that case nothing in this act shall be [so] construed as to imply an assumption on the part of the State to provide any other means for the liquidation of said claims.

Be it further resolved, That in like manner as above provided, the sum of four hundred dollars be paid each to Emanuel Withers and C. T. Meynoke, for damages done their mills by the obstruction of water from the White Water river, as per award made by the board of internal improvements and certified thereto by Philip Mason, late canal commissioner.

This joint resolution to be in force from and after its passage and publication in the Indiana Journal and State Sentinel.

CHAPTER XXIV.

A Joint Resolution asking aid of Congress to improve the navigation of the Wabash river.

[APPROVED, DECEMBER 29, 1842.]

WHEREAS, The Wabash river is a reserved national highway, and is an indispensable link from its junction with the Ohio, to the Wabash and Erie canal, in the great chain of water communication contemplated to accommodate the trade of an immense population between two commercial emporiums, New York and New Orleans, and afford the nearest inland, and the cheapest practicable route for the same, as the map of the United States, the examination by authority of an officer of the United States, and the joint and several surveys made under the authorities of Indiana and Illinois, have rendered certain; *and, whereas*, the improvement of the navigation of this river from the Ohio to Lafayette, is evidently an object of common interest to facilitate the intercourse of all the states, and could be effected at a small cost, compared with the advantages to arise therefrom, inasmuch, as the benefits of the canal mentioned, which has been constructed in part by lands donated for that purpose by the United States, will remain greatly circumscribed, and the trade *via* Lake Erie, east and south, will remain greatly abridged, as well as the utility of the canal, until the important improvement be accomplished; *and, whereas*, the financial condition of this and the adjoining states point to the propriety of a renewed application to the enlightened body, whose approval had partially provided for the case, when executive sanction was withheld, and the views expressed by the president in his late message, have dissipated all fear of denial in that quarter, if the wisdom of the present Congress will enable the executive to act: therefore,

Resolved, That our Senators and Representatives in the Congress of the United States be requested to use their best endeavors, to obtain a suitable appropriation to improve the navigation of the river Wabash, from its junction with the Ohio to Lafayette; the obstructions of the rapids to be first attended to, under the direction and superintendence of the war department.

Resolved, That the Governor be requested to forward a certified copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXV.

A Memorial and Joint Resolution of the Legislature of Indiana, praying the passage of a law to extend the benefits of the Act of Congress of June 7th, 1832, to the volunteers and militia who were in service against the Western Indians, from the nominal close of our revolutionary war by treaty with England in 1783, to the final close thereof by treaty with the Indians at Greenville in 1795.

[APPROVED, DECEMBER 20, 1842.]

Your Memorialists respectfully represent, that under our republican Government of equal rights, the enlightened representatives of an upright people will, it is believed, glory in contributing a proper reward to unrequited and meritorious services. In countries otherwise governed, pensions and rewards of distinction may be granted to the undeserving, and emulation and patriotism be thereby virtually discouraged. But in our United States the case is widely different. Pensions or sinecures for civil services are happily unknown, and no enviable distinction can be arbitrarily and undeservedly conferred. That the brave men who fought our battles in the West, during the revolutionary war, did not fight to eat the bread of idleness; they fought, like the brave of the East, for freedom and for equal rights; and we now ask for a portion of them, what has been long since awarded to others, not more deserving, namely: That the volunteers and militia, who were in service against the Western Indians, from the nominal close of the revolutionary war, by treaty made with England in 1783, to the final close of that war, by a treaty made with the Indians at Greenville in 1795, may have the pension act of June 7th, 1832, extended to embrace them, according to their various terms of service; that the groundless objections, heretofore urged in Congress to applications of a similar import, are not unknown to many of your memorialists; such as, that the Indian wars from 1783 to the victory of General Wayne, which preceded the treaty at Greenville, "were private or individual wars, unjust in their origin, and prosecuted for private gain." For a complete and irrefutable correction of these and other equally untenable objections, we beg leave to refer to Document No. 138 of the House of Representatives, 1st session of 24th Congress, wherein the whole case in brief is clearly set forth: That the Indians became allies of Great Britain in 1774, and continued their savage depredations during the period mentioned, is attested by authentic history, and by documents in the archives of the nation; and it was the treaty called "Jay's Treaty," when England abandoned our Western posts, evidently apprehensive of her responsibility for breach of faith, as well as for the prolonged Indian warfare, which the armies embodied under Gen. George R. Clark, Gen. St. Clair, and Gen. Wayne, prove to have been no private concern; and the late Northwestern Territory, now converted into the States of Ohio, Indiana, Illinois and Michigan, wrested from the British and Indians, could not have been accomplished for private or individual purposes: That the

charge of waging an unjust war, preferred against the patriot soldier acting for his country, in order to excite prejudice and arrest from him a slender pittance of the millions of dollars which his services have caused to flow into the National Treasury, is unworthy of regard: That our war of Independence was not ended by the treaty of 1783, but was continued by the Indian allies, the same as before that treaty, and the same principles, and the same authority were involved in the contest up to the treaty of Greenville, and even a seeming partiality should not be allowed in a national pension law: That the pension act of 1832, alluded to, should have embraced the volunteers and militia of the West, who gallantly fought until the Western posts were delivered up, is firmly believed; indeed, there seems to be no justice in drawing such a partial line of distinction between the patriot revolutionary soldiers of the East and those of the West: They should share, and share alike, the liberality and gratitude of the United States: That if any distinction were proper, the patriots of the West, having performed the hazardous services during the Indian war from 1783 to 1795; and their beneficial results to bordering States, and to the United States, being indisputable, having left their families, their business, and their homes, to redeem a wilderness destitute of supplies, and utterly so of roads and bridges, and having adhered to the good cause until they conquered the country, and disabled a ferocious enemy, the equal if not superior merit of our claim on their behalf cannot be rightfully gainsayed; and we do most earnestly ask of your honorable body to review the subject matter, convinced that a just and equitable policy will characterize your decisions, and that the provisions of the act referred to will be extended. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to use every proper exertion in their power to extend the benefit of the law of 1832, granting pensions to revolutionary soldiers, so as to embrace the volunteers and militia who were in service, until discharged, against the Western Indians previous to the year 1795.

And be it further resolved, That the Governor of this State transmit a copy of this memorial to each of our Senators and Representatives in Congress.

CHAPTER XXVI.

A Joint Memorial to Congress praying for a donation of lands on behalf of the Rangers and Militia, in the service of the United States during the last war.

[APPROVED, DECEMBER 29, 1842.]

The General Assembly of the State of Indiana, acting in accordance with public feeling, do most respectfully represent, that the brave and patriotic men, Rangers, Volunteers and Militia, in the service of the United States, during the last war with England, and then embodied on the western and north western frontiers, although they acquired imperishable renown, and afforded security to the citizens and property of the adjacent States, have been very inadequately and partially rewarded; that the troops mentioned, having rendered such essential and valuable services, free of all mercenary considerations, should, by every consideration of gratitude, equity, and sound policy, receive an allotment of the public lands, and be placed in this particular, upon a footing of equality with the troops induced to enter the service under promise of a land bounty.

Therefore, the inadequate and partial remuneration granted to the militia, volunteers and rangers above mentioned, is again respectfully presented to Congress, with an earnest desire to have the matter reconsidered, and a request to the Senators and Representatives of Indiana, to endeavor to obtain for said troops, from the justice and liberality of the United States, donations of the public lands in proportion to the sacrifices endured and the services rendered.

Resolved, That the Governor be requested to transmit a copy of the foregoing memorial to each of the Senators and Representatives in Congress.

CHAPTER XXVII.

A Joint Resolution supplemental to "a Joint Resolution to provide for ascertaining the amount due contractors and laborers on the Madison and Indianapolis Railroad, approved, January 28, 1843."

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana*, That for the purpose of securing to sub-contractors and laborers who may have done and performed labor on said road, and all other persons having claims due them for goods, provisions and provender furnished, or service rendered for any contractor, on any section on said road, which at this time remains unpaid, it shall be the duty of the engineer settling with the contractors, to give notice by advertisement in the Indiana Journal and State Sentinel, at least sixty days before he makes out the certificates to the Treasurer of State of the amount due contractors, that all holders of claims against such contractors as are embraced in the joint resolution to which this is a supplement, shall file with him their claims; which claims shall be by said

engineer registered, and in making out certificates as aforesaid, to the Treasurer and Agent of State, it shall be the duty of the engineer to certify the amount due each claimant, together with the balance due the contractors, after deducting the claims; and thereupon the Treasurer of State shall issue a Treasury warrant for certificate of indebtedness, showing the amount due each claimant, which certificate or Treasury warrant shall draw interest from date until paid, and be signed, attested and registered, as is provided in the joint resolution to which this is a supplement; said warrant to be paid out of the suspended debt: *Provided, however*, that whenever any claim shall be presented against a contractor or sub-contractor, which shall not be acknowledged by them to be just, it shall be the duty of the engineer aforesaid, and he is hereby authorised to take such evidence as may be produced by either party to enable him to make a fair and equitable adjustment of the amount in controversy:

Provided, also, That when claims shall have been presented as aforesaid, for a greater sum than may be found to be due the contractor, then it shall be the duty of the engineer to certify an equitable per centum to each claimant, so as to cover the whole amount due the contractor.

Be it further resolved, That all contractors who shall now hold the certificate of the engineer, and draft of the acting commissioner remaining unpaid for work done in completing any section, the amount of such draft shall be reported to the Treasurer without any remeasurement of the work by the engineer aforesaid.

The joint resolution to which this is supplemental so far as its provisions are contradictory hereunto, is hereby rendered null and void.

This joint resolution to be in force from and after its passage.

CHAPTER XXVIII.

A Joint Resolution in reference to the reduction of the rates of letter postage.

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, The Honorable Charles A. Wickliffe, Postmaster General of the United States, in his report under date of January 5, 1843, to the Senate of the United States, suggests that, if Congress will relieve the Post Office Department from the amount now paid annually for railroad transportation of the mails, by a permanent arrangement with the great leading lines of inter-communication, and also, regulate the franking privilege, and restrain it within proper limits, he will then be prepared to meet the demands of public sentiment and recommend a reduction of letter postage to ten cents upon all letters over thirty miles; *and, whereas*, in the opinion of the General Assembly, aside from the intrinsic justice and propriety of the measure proposed by the Postmaster General with regard to the transportation of the mails by railroad, and the restriction of the franking privilege, it is of great and essential im-

portance to the interests of the country, that a reduction in the rates of letter postage should be made in accordance with the liberal views expressed in the report above referred to: therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the adoption of the measures above named, with the view of effecting a reduction of the rates of postage as suggested by the Postmaster General.

Resolved further, That His Excellency the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress, and to the Postmaster General.

CHAPTER XXIX.

A Joint Resolution relating to delinquent lands in Kosciusko, Elkhart, Whitley, Porter, and Lake counties.

[APPROVED FEBRUARY 9, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That the third section of the act entitled "an act to postpone the sale of delinquent lands and lots, approved, December 21, 1842, so far as the same relates to lands and lots in the counties of Kosciusko, Elkhart, Whitley, Porter, and Lake, which have been returned as delinquent for the year 1841, be, and the same is hereby suspended in its operation for one year in the said counties of Kosciusko, Elkhart, Whitley, Porter, and Lake.

This joint resolution to take effect and be in force from and after its passage.

CHAPTER XXX.

A Joint Resolution in regard to pre-emptioners.

[APPROVED, FEBRUARY 13, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to vote for and use their aid and influence in procuring the passage of an act extending the provisions of an act of the 4th of September, 1841, granting pre-emption rights to all settlers on

lands not included in the two last treaties with the Miami Indians, and which were settled upon before their being selected and confirmed to the state of Indiana, for the construction of the Wabash and Erie canal.

That the Governor forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXXI.

A Joint Resolution authorizing the Agent of State to settle with J. J. Cohen, jun. and Brothers.

[APPROVED, FEBRUARY 3, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That the Agent of State, or such person as he may appoint for that purpose, be, and he is hereby authorized to receive from the late firm of J. J. Cohen, jun., and brothers, the sum of fifty thousand dollars, for which they are now liable to the State of Indiana, in bonds of the State of Indiana at their par value, with the coupons thereto attached, in full payment and discharge of said liability and the interest thereon.

That upon the delivery of the bonds aforesaid, the State Agent, or such person as may be appointed by him as above, is hereby authorized and directed to release and enter satisfaction of a mortgage held by the State of Indiana in the name of Isaac Coe, Fund Commissioner, on certain property situate in the city of Baltimore, at the northeast corner of Baltimore and Calvert streets, heretofore mortgaged by said Cohens to said State; and that said Agent, or such person appointed as before mentioned, shall be, and is hereby authorized and directed to cause to be withdrawn and discontinued all suits which may have been instituted and [are] now pending in Maryland against said J. J. Cohen, jun., and brothers, for or on account of their liability to the State, they having paid all costs that have accrued or may hereafter accrue, and shall return to said J. J. Cohen, jun. and brothers, to be cancelled, their three several remaining notes, amounting to the aforesaid sum of fifty thousand dollars, given by said Cohens under the arrangement in 1838 with said Fund Commissioner.

CHAPTER XXXII.

A Joint Resolution for the preservation of the books and papers belonging to the system of internal improvements, and for other purposes.

[APPROVED, FEBRUARY 13, 1843.]

Resolved by the General Assembly of the State of Indiana, That it shall be the duty of the Agent of State to collect all the books, papers, and accounts kept by any engineer or commissioner of any of the public works of this State, and deposite the same in his office. Also, it shall be the duty of said Agent to take possession of all the books, papers, and accounts belonging to the board of internal improvements, and safely deposite the same in his office. Said Agent shall arrange the papers and books of the several engineers, commissioners, and board of internal improvements, so that those belonging to each work may be filed together, and the whole so arranged as to be accessible upon the calls of the Legislature and others for information. Said Agent, by himself or clerk, shall be authorized to give certified copies of any paper or entry found in said collection of books and papers.

Be it further resolved, That it shall be the duty of the Auditor of Public Accounts in auditing the claims of contractors and others on the Madison and Indianapolis Railroad, to hand over to the Agent of State, warrants to the amount due by John Elder to the State of Indiana, on account of his defalcation to the State as an agent for the disbursement of Treasury Notes in 1840, including interest thereon at six per cent., for which amount of warrants, the said Agent shall account in his settlement at the Treasury, as in case of other collections and disbursements.

This joint resolution to be in force from and after its passage.

CHAPTER XXXIII.

A Joint Resolution on the subject of counting and cancelling state bonds that have been received by the Treasurer of State.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. Be it resolved by the General Assembly of the State of Indiana, That the state bonds and dividend warrants that have been received by the Treasurer of State for and in payment of the debt due the State from the Lawrenceburgh and Indianapolis Railroad Company, shall be examined and counted by the Committee of Ways

and Means of the House of Representatives, and the same to be defaced by said committee in such manner as shall prevent their being used hereafter.

SEC. 2. That for the amount of bonds and warrants so counted and defaced, the said committee shall give certificates in the same manner as is provided in the act of the present session in the case of cancelling Treasury Notes, for the amount of which certificates the Treasurer of State shall be entitled to a warrant from the Auditor, as a credit against the amount charged to him as received from the mortgages transferred to the State by the Lawrenceburgh and Indianapolis Railroad Company.

SEC. 3. That a like examination shall be made and certificates given, of all bonds redeemed by the late Fund Commissioners, the present State Agent, and the Commissioners of the Sinking Fund, and all such bonds, after being defaced as aforesaid, shall be filed for safe keeping in the office of the Treasurer of State.

SEC. 4. That in like manner all state bonds hereafter redeemed shall be annually examined, counted, and defaced by said Committee, and filed as aforesaid.

SEC. 5. That the numbers, and dates, and amounts of all bonds so to be defaced, shall be registered in a book for that purpose, to be kept by the Auditor of Public Accounts.

SEC. 6. This joint resolution to be in force from and after its passage.

CHAPTER XXXIV.

A Joint Resolution relative to "American State Papers."

[APPROVED, FEBRUARY 13, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That it shall be the duty of the Secretary of State, at the time of the distribution of the laws and journals of the present General Assembly, to cause to be packed up with said laws and journals, and sent to each circuit court clerk's office, one full complete and set, (consisting of five volumes each,) of "American State papers, relative to the public lands;" and it shall be the duty of the several clerks aforesaid, upon reception of said work, to receipt for the same to the Secretary of State, and immediately place said work in the county library of their respective counties, if any such library there be, and if not, to retain it in their respective offices, and in either case the said work shall be open to the inspection of all persons wishing to examine the same, but nothing herein contained shall be construed to authorize said work to be loaned out by the officer having the custody thereof.

And be it further resolved, That it shall be the duty of the State Librarian, when called upon for that purpose by the Secretary of State, to deliver to him out of the State Library, a number of volumes of said work sufficient to enable him to comply with the provisions of the first section of this joint resolution, and it shall be the further duty of the State Librarian, to preserve the remaining copies of said work in the State Library, subject to the rules and regulations thereof.

This joint resolution to take effect from and after its passage.

OFFICE OF SECRETARY OF STATE,
INDIANAPOLIS, MARCH 11, 1843. }

INDIANA, TO-WIT:

I do certify, that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus,] inserted to aid the sense.

WILLIAM SHEETS,
Secretary of State.

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